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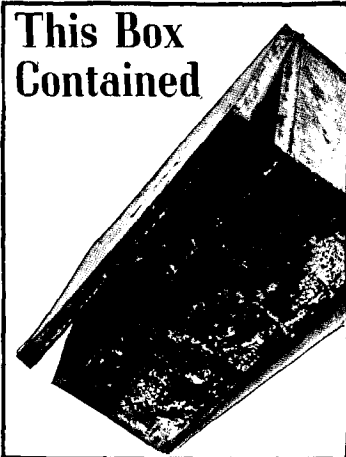
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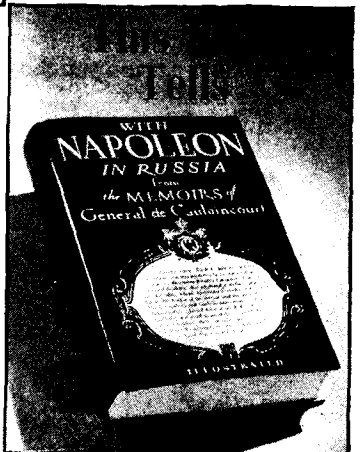
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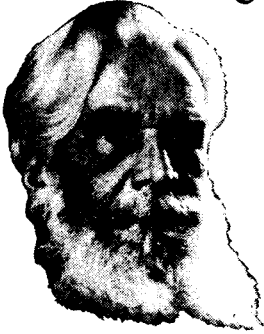
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Printed in the United States. Copyright, 1936, by The American Mercury, Inc. Entered as second class matter January 4, 1924, at the post office at Camden, N. J., under the Act of March 3, 1879. Published monthly on the 25th of the month preceding the date. Five weeks' advance notice required for change of subscribers' addresses. Indexed in The Readers' Guide to Periodical Literature. No reproduction of content allowed without permission.

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PUBLIC AFFAIRS

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By *Roscoe Lewis Ashley.*

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Henry Holt

New York

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DESERTS ON THE MARCH.

By *Paul B. Sears.*

\$2.50

University of Oklahoma Press

5½ x 8¾; 210 pp.

Norman

Professor Sears, who heads the Department of Botany at the University of Oklahoma, attempts in this book to trace, in rather general outline, man's continual struggle against the laws of nature—a struggle which has been as blundering and as ill-considered as it has been persistent. In Asia, Africa, Europe, and America the spectacle of muddling man disrupting natural forces, supposedly to his own advantage

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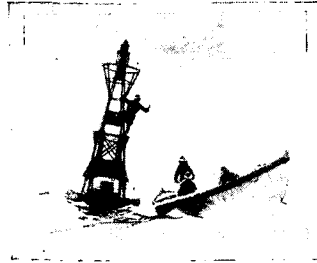
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Check List of NEW BOOKS

(Continued from page iv)

but actually to his own ultimate destruction, has been pretty much the same. In America, however, due to the excessively large breach between science and politics—as evidenced in particular under the New Deal—the details of the spectacle are most clearly defined. Forests have been destroyed with little interference from a perennially short-sighted government. America has squandered many of its great natural resources. The time is coming for the great reckoning: the deserts are on the march. The only salvation lies in a closer understanding between politician and scientist, so that each may receive the intelligent support of the other. "It is not merely soil, nor plant, nor animal, nor weather which we need to know better, but chiefly man himself." An unusually well-written book, stimulating and scholarly, which teaches us that we must reform our ways and learn to respect the age-old laws of nature.

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By E. Boyd Barrett.

Julian Messner

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5 3/4 x 8 3/4; 267 pp.

New York

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(Continued in back advertising section, p. x)

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THREE YEARS OF DR. ROOSEVELT

BY H. L. MENCKEN

QUACKS are always friendly and ingratiating fellows, and not infrequently their antics are very amusing. The Hon. Franklin D. Roosevelt, LL.D., is typical of the species. There has never been a more amiable President, not even excepting the Martyr Harding, and there has never been a better showman, not even excepting Roosevelt I. He likes to have confident, merry people about him, and to turn the light of a Christian Science smile upon the snares and ambuscades of his job. So characteristic is this smile that when, after the Dred Schechter decision last May, he appeared at a press conference with a Mussolini frown, the Washington correspondents were so upset that they rushed out to spread the report that he had gone *mashuggah*.

But quackery, of course, also has its sober side, and the principles thereof may be traced back to the childhood of the human race. First, scare your patient into believing that the pain in his tummy is the beginning of cancer, and then sell him something to warm him while the *vis medicatrix naturæ* does its immemorial work. If it be God's will that he should die, then

no one will complain save his orphans and creditors; if it be God's will that he should get well, then he will sign a testimonial that you cured him. Here, obviously, we have the basic metaphysic of the New Deal. It began with a din of alarming blather about the collapse of capitalism, the ruin of the Republic, and the imminence of revolution, and it is ending with claims that the failure of these catastrophes to come off has been due to the medicaments of Dr. Roosevelt and his Brain Trust. In neither half of this imposture is there any truth whatsoever. The disease, in fact, was not a tenth as bad as the patient was induced to believe, and the medicines administered to him were almost wholly fraudulent and ineffective. If he now staggers toward recovery, it is not because of them, but in spite of them. The money that he laid out for them was all wasted, and the most he can show for taking them is an empty pocket and a demolished stomach.

Quacks, of course, enjoy very little practice in contented families. There has to be some failure of function in the regular practitioner before they get their chance. In the instant case that failure was large

and wide. The unfortunate Hoover went into the White House with the reputation of a profound philosopher; he left it with the reputation of a wrecked engineer. Both estimates of him were considerably exaggerated, and it may be that the second was more exaggerated than the first. He did set up the Reconstruction Finance Corporation, the only agency of relief and reform that has ever shown any sign of working. It may be that if he had been re-elected he would have thought of some other ones, and among them some good ones. But the speculation is vain, for his chance never came. The country was too scared to retain him any longer. What it yenned and yowled for was the massive reassurance of quackery, and that is what it got. As Hoover went out the More Abundant Life came in.

There is some reason for believing that Dr. Roosevelt, at the time of his nomination, had a leaning toward what may be called ethical practice. He had done plenty of quacking to get that nomination, but now that he had it, he talked in highly orthodox terms. The budget would have to be balanced. There would have to be a cleaning out of useless jobholders—by moral suasion, if possible, but if not, then with lengths of hose filled with BB shot. Above all, the dollar would have to be protected, that Uncle Sam might go shaving in the morning without blushing at his own face.

Was all this mere campaign hooey, hollow buncombe, transparent hypocrisy? I think not. It would have been easy to fool the newspapers and the general run of Americanos, for they were in a believing mood and ready to swallow anything, but how about fooling the Hon. Carter Glass of Virginia? There you had a flinty old party whose mind reeked with skepticism. He was to a fox as a fox is to

an infant moth, dazzled by its first flame. Yet the Hon. Mr. Glass, for all his congenital doubts, believed that Dr. Roosevelt really meant it, and especially the part relating to the chastity of the dollar. And so believing, he rose from a sickbed to impregnate the air with the happy news, and as a result the last argument for Hoover vanished, and Roosevelt was elected by an unprecedented majority.

Was Dr. Glass hoodwinked? Was he taken for a ride, his shirt-tail flying in the wind? It is, as I hint, hard to think so. In those days, in truth, Dr. Roosevelt was probably full of a quite honest determination to give the country rational and constitutional government, and to keep the maxims of Benjamin Franklin hanging on his wall. There is plenty of evidence for it, and very little against it. His mood actually lasted over election day, and even beyond the end of the year. How else are you to account for his choice of the Hon. Thomas J. Walsh as his Attorney-General? Walsh, to be sure, passed publicly as a liberal, but he was certainly anything but a radical. On Sundays he served Yahweh as a pious Catholic puritan, but his week-day fetish was the Constitution, and he could no more brook contempt of it than he could brook contempt of the Holy Saints. It is impossible to imagine him conniving at any of the non-constitutional chicaneries that were so soon to be brought to Washington by the young professors. The very thought of them would have set him to yelling murder, and he'd have combatted them with all the horrible ferocity of an Irishman in a shindy, and all the learning and eloquence of a really great advocate.

If Walsh had lived for another year or two, the Supreme Court would never have had to swim ashore through those greasy rollers of alphabetical soup. He would have heaved every tureen of it out

of the window as fast as the pedagogues and non-constitutional lawyers brought it in, and if the *Führer* had sought to stay him he would have resigned his portfolio, taken to the stump, and either intimidated the Administration into common sense and common decency or wrecked it out of hand. But Walsh's Sunday God, for reasons that must remain inscrutable, had business for him in Havana, Cuba, and on his way back from that insalubrious port he departed this life. His exitus released the furies. Roosevelt reverted instantly to his natural and more comfortable quackery, and soon was shining before the world as the boldest and most preposterous practitioner of modern times.

But here, I think, we had better be charitable again. Isn't it possible to argue that, as things stood on March 4, 1933, no other course was feasible? I am willing to say so. The dying agonies of the Republican Administration had got the country into a really dreadful state of mind, and it was probably beyond help from the pharmacopoeia. It craved and needed the larger doses, the stronger assurances, the consoling whoop-de-doodle of quackery, and if these had been denied, it might have come down with genuine fits. This situation is certainly not unknown to the faculty of physic. There are times when a patient's demand for medication runs well ahead of the power of science to supply him with rational remedies, and every textbook of practice winks at the administration of placebos, which are substances "given for the purpose of pleasing or humoring the patient, rather than for their therapeutic effect". The common placebo is a bread pill, but I have known perfectly reputable resurrection men to prescribe Wine of Cardui or Peruna. The same device also has its uses in statecraft. The plain people, when social and economic bellyaches of

unusual severity seize them, sometimes fall into hysteria and panic, and get out of hand. There is, commonly, no cure for their distress save time, and they refuse to wait, so the wise statesman resorts to quackery, thus putting them at their ease until nature can do its work. Abraham Lincoln was not above this trick, and I see no reason why we should burn Dr. Roosevelt at the stake because, in those first phrenetic days of his Administration, he made use of it.

It both worked and didn't work. The bank holiday, when its assets and liabilities are counted up at last, will probably turn out to have paid expenses and no more. There is no reason to believe that the net loss of the bank depositors of the country would have been either larger or smaller if the wobbly banks had been allowed to bust, and the good ones had been let alone. There were banks that were able to pull themselves out of insolvency during the moratorium, and there were others that were shoved into insolvency by its attending rumors and alarms. The NRA, I incline to think, was clearly more successful, at least in its early stages. The theory behind it, though unsound, nevertheless had a considerable plausibility, and to its execution there was brought a degree of demagogic talent seldom available to a Christian government on this earth. Part of that talent was Dr. Roosevelt's own: he reached, in the spring of 1933, his professional apogee, his apex as a virtuoso. But a great deal more of it was supplied by Brigadier-General Hugh S. Johnson, J.D. — in private life only Barney Baruch's stooge, but in his public capacity a rabble-rouser of magnificent and indeed almost incomparable gifts.

It is too bad that Mark Sullivan has closed his history of our times with the year 1925, for the events of the summer of 1933

would give him the most enchanting of all his volumes. The problem before the General was to hustle, bump, and kick the great masses of the plain people up from the Slough of Despond to the topmost roof-gardens of the New Jerusalem, and to that patriotic business he brought a technic so stupendous that the historian can only contemplate it in a boozy sort of silence, like that of Cortez upon his peak in Darien. Do you recall the glittering parades through the streets that hot August, with bands braying, *prominenti* of all wings exposing themselves in open automobiles, and the vulgar sweating hope from every pore? Do you recall the General's thrilling yells, whoops, shrieks, bayings, bellowings, snarls, barks, miaows, and other ejaculations? Do you recall his threats against backward-lookers—to crack down on them with icepicks, to kick them violently in the pants, to chase them up the alley and over the fence, to pursue them relentlessly to their sinister dens and there pull out their legs, bash in their skulls, and throw their carcasses to the dogs?

It was the World War all over again, but with improvements born of experience and the gradual unfolding of the General's unparalleled genius. Every lesser quack in America was emancipated, loaded with fresh gas, and turned loose to help. The rhetoricians of Rotary emerged from cold storage, rubbed their eyes, and waded in. The clergy began caterwauling as if the Kaiser were at large again, and ripe to be hanged again. The newspapers all turned tabloids, with headlines reaching half-way down their front pages. In brief, great gusts of the banal lunacy called idealism rocked the country, and hope became an endemic and zymotic disease. Utopia had never come closer to earth since that far-off day when the early Christians began selling their kitchen gear

and spare underwear, and flocking *en masse* to the mountain tops of the Mediterranean littoral, their mouths agape and their hearts aflame.

Unluckily, it couldn't last. The NRA was already sick before Christmas, 1933. During 1934 its symptoms suddenly became alarming, and the General discreetly cleared out, leaving the Hon. Donald R. Richberg, LL.B., author of *The Shadow Men, In the Dark*, and other such occult books, to stave off the inevitable coroner's jury. On May 27, 1935, at the stroke of noon, the Supreme Court slipped a silken cord around the invalid's neck, and the nine learned justices gave a mighty yo-heave-ho. It was the end.

II

But men who die often leave children behind them, and so do sure-cures for all the sorrows of the world. The first success of the NRA had been so vast, at least to outward appearance, that it set the whole tone of the Roosevelt Administration. Almost overnight all rational plans for dealing with the depression were abandoned, and recourse was had to the dizzy devices of pure and unadulterated quackery. Nothing more was heard about such homely enterprises as balancing the budget, getting rid of supernumerary jobholders, and protecting the dollar. Instead, we began to hear of grandiose projects for wiping out every ache and blemish of civilization at one herculean swoop. Wizards of the highest amperage, it appeared, were at hand to do the job, and they were armed with new and infallible arcana. They knew more about everything under the sun than anybody else under the sun; they were masters of all the orthodox arts and sciences, and of a dozen new ones that they had invented themselves; their minds moved ma-

jestic and imperturbed in the face of chaos, like that of Omnipotence Itself. These wizards, we were told, would solve all the problems that harassed the country. They would give us a Planned Economy, scientific in every detail, and out of it would flow the More Abundant Life, with everyone rich and happy, and the very birds in the trees singing hallelujah.

Well, what did these wizards turn out to be, once they had got into the ring? They turned out to be the sorriest mob of mountebanks ever gathered together at one time, even in Washington. The best of them were seen to be only professional up-lifters and do-gooders, trained in no craft more respectable than that of cadging and spending other people's money. And from this maximum they ranged quickly downward to a miscellaneous rabble of vapid young pedagogues, out-of-work Y.M.C.A. secretaries, third-rate journalists, briefless lawyers, and soaring chicken-farmers. In the whole outfit there was hardly a man who had ever reached solid distinction in any recognized profession or trade. They were, at the top, poor dubs; at the bottom, they were blatant and intolerable idiots. Their arcana were stale mixtures of all the quackeries vended in the backwaters of the country since the Civil War, from Free Silver to the Single Tax, and their methods were those of wart-removers at county fairs since the time when the memory of man runneth not to the contrary.

On one point only did they appear to agree, and that was on the point that any man who worked hard at some useful task, husbanded his money prudently, and tried to provide some security for his old age and some heritage for his children was a low and unmitigated scoundrel, with no rights in law or equity. This fellow was the central villain of the obscene farce that they began to mum, and

to his ruin they were soon bringing the full force of the national government.

There is no need to review their operations in detail. To make a complete report on them, indeed, would probably be impossible, for many of them have been carried on surreptitiously, and are known only by vague rumor. No one can say precisely where they are in progress, or what they have cost. I shall content myself with a brief account of the embryology, anatomy, and pathology of a major Brain Trust enterprise, the Civil Works Administration, the predecessor of the current Works Progress Administration. The basic facts I take from the *New Republic* and the *Nation*, both of them ardent heralds of the New Day. The *New Republic* first:

In the Autumn of 1933, after General Johnson and his Blue Eagle had done their part, business began rapidly to decline. On a train coming back from a social workers' meeting, Harry L. Hopkins and his assistant, Aubrey Williams, discussed with apprehension the coming Winter. . . . Hopkins said: "Let's take a real crack at this. Let's give *everyone* a job." The title, the Civil Works Administration, was contributed by Jacob Baker.

And now the *Nation*:

It is characteristic of Hopkins that he wasted no time meditating upon the stupendous problems and conflicts such a revolutionary scheme might engender. He talked it over with his aides — Baker, Williams, and Corrington Gill — and from their discussions there emerged an equally brief memorandum outlining the scheme. With this memorandum in hand he trotted off to the White House one Wednesday afternoon in November. He went merely to enlist Roosevelt's interest. He expected to be told to develop the idea and come back with a fuller outline. He still expected that when he left the White House that evening. But it so happened that he had caught the New Deal Messiah in one of his periods of infatuation with the spending art, and Hopkins literally woke

up the next morning to discover that Roosevelt without further ado had proclaimed the CWA in effect.

Read these quotations two or three times, and then give sober consideration to what they have to tell you about the true nature of the prevailing Planned Economy. Two preposterous nonentities, one of them, in secular life, a professional uplifter and the other an obscure newspaper reporter, are returning from a junket at your expense and mine. They loll comfortably in a club-car, munching peanuts and talking shop. Their sole business in life is getting rid of other people's money, and their only care is finding ways to do it. Suddenly one of them thinks of a new plan. It is vast and vague, but it will apparently dispose of endless millions, so they embrace it with loud hosannas. A few days later they take it to the White House, expecting, obviously, to have to explain it, argue for it, defend it. But no explanations are called for: it is put into execution instantly, and sight unseen. Within a week a huge organization of jobholders is scratched together to carry it out, and by December 1 more than 1,000,000 beneficiaries are on the payroll. By January 18 the number reaches 4,100,000. Meanwhile, press agents work in eight-hour shifts to tell a panting country what it is all about. The depression, it appears, is being given its *coup de grâce*. In six months there will be no more unemployment, the wheels of industry will be spinning everywhere, and the More Abundant Life will be on us. The New Deal has achieved its masterpiece, and reached its perihelion. Brains have at last conquered fear.

Here was the Rooseveltian Planned Economy in perfect flower: one could search for days without finding a better specimen of it. The scheme was concocted

on the spur of the moment, it was put into execution without any attempt to determine its probable effects and consequences — and it blew up within six months, returning millions to unemployment, and leaving the taxpayer to make good a deficit of more than \$1,000,000,000. It would be impossible to imagine a more dismal failure, or a more reckless and wanton waste of other people's money. The thing was completely asinine from start to finish. It was conceived by quacks and executed by fools, and there was no more sense in it than you will find in a comic strip or a college yell. And when it flopped, what was the next move of the Brain Trust? The next move was to demand \$4,800,000,000 to try it all over again, with the same Hopkins once more in charge. But this time he had an associate of flag rank to help him — the celebrated Harold L. Ickes, LL.D., of Chicago, Public Savior No. 2. Alas, the two were soon hauling and mauling each other in a furious manner, to the distress of their old buddy, Dr. Raymond Moley, now working for Vincent Astor. I quote from an editorial in *Today*:

Teamwork at Washington has not been encouraging. . . . The suspicion will not down that there is serious lack of co-ordination, partly due to clashing personalities and divergent views, partly to the inherent clumsiness of the present set-up.

Lack of co-ordination? Clashing personalities? Diverging views? Inherent clumsiness of the set-up? This in a *Planned Economy*? This in Utopia? This at the hands of omnipotent and infallible wizards who were to repeal all the sempiternal laws of human nature, abolish poverty from the Republic, destroy privilege, reorganize industry, remake the government, and bring in the New Day? What Moley really says here, of course, is that the wizards were only arrant and undiluted charlatans, and

that their wizardry was and is only a rowdy struggle for power. And that is the simple truth. There is not a man in the whole outfit who is worth the powder it would take to blow him up. They are, one and all, flagrant and incurable asses, and the higher their rank in the hierarchy of buncombe, the more patent their asininity.

The one character that really shines forth from all of them is that which I have mentioned: their implacable hatred of every man who is able to earn an honest and decent living in the world, and has industry enough in his bones to want to do it, and beyond that asks only to be let alone. This man has been the special target of their piratical forays and objurgations ever since Dr. Roosevelt dragged them out of their natural obscurity and set them in places of power. He is the natural enemy of every college jackanapes who glows pinkly whenever a better man is passed over him, of every young Harvard LL.B. who hunts for clients and doesn't find them, of every professional uplifter who tires of cadging his salary week after week and longs for a key to the Mint. One and all, these are shabby fellows, toters of inferiority complexes, natural zeroes, and one and all they hate their betters for being their betters, and for no other reason whatsoever.

Let us examine, as fair specimens, the four who, according to the *Nation* and the *New Republic*, were responsible for the Civil Works Administration. They appear to be Hopkins, Williams, Baker, and Gill. Only one of them is of sufficient bulk and beam to have reached the very modest eminence of inclusion in *Who's Who in America*, and that one is Hopkins. *Who's Who* is so hospitable to talent, however meager, that it gives space in its current edition to no less than 31,081 head of Americans, male and female, including hundreds of one-book authors, fifth-rate ec-

clesiastics, small-town department-store executives, professors in bush league universities, and miscellaneous neighborhood busybodies. But the most diligent search fails to reveal the three master-minds, Baker, Williams, and Gill. All of them lie below the threshold of admission. There is a Baker who is chairman of a patriotic monument society, and another who is associate secretary of a Baptist board of education, but the ineffable Jacob is *non est*. There is a Williams who is a lady uplifter down in the Corn Pone Belt, and another who is a professor at a bucolic "university", but no Aubrey. Nor is there a Corrington among the Gills, though eight of that ilk are there, including one who is an Elk, a Knight of Pythias, and a Woodman of the World. In brief, the wizards who concocted that crazy scheme to waste a billion of the taxpayers' dollars were and are of no visible dignity or standing at all. They are complete ciphers, judged by any reasonable human standard, and in all their manipulations of their fantastic power they have run exactly true to type.

Of such sort are the "trained experts" who were to have brought in the More Abundant Life. Their pretensions are as utterly bogus as those of Lydia Pinkham or Dr. Munyon. They possess no useful talent of any kind, and seem to be quite incapable of anything colorably describable as sober judgment. To hand over to such incandescent vacuums the immensely difficult and complicated problems which now confront the country is as insane as it would be to hand over a laparotomy to a traffic cop. They are completely incompetent, not only for public affairs of the first magnitude, but also for all save the most trivial of private affairs. Hopkins, before his apotheosis, was a collector for the Red Cross, and after that a ballyhoo man for other such noisy organizations — jobs call-

ing only for the statistical fervor of a life insurance solicitor and the evangelical smile of a Y.M.C.A. secretary. How the Salvation Army missed him I do not know. Wallace, another great star in the troop of jitney Marxes, was the unsuccessful editor of a farm paper. Ickes was a professional public nuisance in Chicago. La Perkins was a lady uplifter, and a shining ornament of that appalling clan. Tugwell, as to one half of him, was a member of the order of inferior pedagogues, and as to the other, one of the kept idealists of the *New Republic*. Descend to the lower ranks and you come upon a truly astounding rabble of impudent nobodies, with a huge swarm of Jim Farley's deserving Democrats filling the background. Not all the "trained experts", it appears, are Harvard lawyerettes, crammed with a more scientific conception of the Constitution than the nine old villains on Capitol Hill. At least one of them, it turned out some time ago, owes his degree to a "college" of chiropractic! For the job in hand, he is really the best grounded of them all.

III

The blame for this dreadful burlesque of civilized government is to be laid at the door of the Hon. Mr. Roosevelt, and at his door alone. He is directly and solely responsible for every dollar that has been wasted, for every piece of highfalutin rubbish that has been put upon the statute books, and for the operations of every mountebank on the public payroll, from the highest to the lowest. He was elected to the Presidency on his solemn promise to carry on the government in a careful and sensible manner, and to put only competent men in office. He has repudiated that promise openly, deliberately, and in the most cynical manner. Instead of safeguard-

ing the hard-earned money of the people and relieving them from their appalling burden of taxation, he has thrown away billions to no useful end or purpose, and has piled up a debt that it will take generations to discharge. And instead of appointing conscientious and intelligent officials, he has saddled the country with a camorra of quarrelling crackpots, each bent only upon prospering his own brand of quackery and augmenting his own power. There has never been a moment when he showed any serious regard for the high obligations lying upon him. The greatest President since Hoover has carried on his job with an ingratiating grin upon his face, like that of a snake-oil vendor at a village carnival, and he has exhibited precisely the same sense of responsibility in morals and honor; no more.

If signs count for anything, the jig is now nearly up. There has been a tremendous shift in public sentiment during the past year, and it begins to look probable that not all the billions of the late AAA, the WPA, and the rest of them, and not all the nefarious science of Jim Farley, by Tammany out of the Anti-Saloon League, will suffice to save the More Abundant Life next November. Whether Dr. Roosevelt himself is aware of this I do not know. If a realization of it seizes him he may be trusted to turn his coat with great precipitancy, as he did on the issues of Prohibition, sound money, and government expenditure. There is, to give it a polite name, a fine resilience in him; he keeps his principles fluid, like the assets of a well-managed bank. If he became convinced tomorrow that coming out for cannibalism would get him the votes he so sorely needs, he would begin fattening a missionary in the White House backyard come Wednesday. Having made the mess, he will volunteer heroically for the job of cleaning it

up. But my guess, strongly supported by a far from subconscious wish, is that the great masses of American freemen, including even multitudes now on the innumerable doles, will decide by November that some other scavenger — indeed, *any* other scavenger — will be safer. There was a time when the Republicans were scouring the country for a behemoth to pit against him. Now they begin to grasp the fact

that, if they can beat him at all, which seems most likely, they can beat him with a Chinaman, or even a Republican.

The only issue is Roosevelt. Is he a hero, as his parasites allege, or a quack, as I have argued here? The answer will be heard on election day. Every vote will be cast either for him or against him. His opponent will be only the residuary legatee, the innocent bystander.



A BOXER CALLED PANTHER

BY REUEL DENNEY

THE girls who made that fighting body love
Remember how his biceps pushed the glove.

He was the bloody scholar of hot speed,
Footloose, shifty, quick to lead,

But swifter yet to dodge and weave the blows,
Or pivot the lighted canvas on sure toes.

Relaxing now his ruined tendons lie
Whose art was *calorie* braided into eye.

Take up your hats and go, fat gentlemen,
Those eyes will never judge the hooks again.

Let you go back and yield up to your wives
Your youth, your clerkish labor and your lives;

When Father Mike has sped the lifting soul,
Relight cigars, the subway is your goal.

And wax will guard those level thighs again
When you are lost within the city rain.

Now ask about the body, as each goes —
That handy frame on which you hang your clothes,

And as you reach your own address and smile,
Pause once, and listen there a while,

As for a jaguar roving on that stair,
Death balanced on his eager haunches there.

ARE THE CAPITALISTS ASLEEP?

BY HAROLD LORD VARNEY

Nor since Great Britain, Mother of Propaganda, let loose on pre-war America that flood of crusading gospel which was ultimately successful in bringing two million American fighting men to her aid, has the voice of a purposeful minority been so clamorous as is the battle cry of our obstreperous radicals today. Never before has such a subversive ideology been listened to so soberly or broadcast so widely and with such little opposition. This current clamor for Utopia-in-America would alone constitute a phenomenon worthy of the attention of every sober student of human stupidity, were it not for the even more extraordinary performance of the capitalist class itself. Although tarred and feathered daily since the crash of 1929, the average American capitalist has consistently refused to lift a protest in defense of his abilities, his accomplishments, or his traditions. The picture of high-pressure capitalism as a powerful force ruthlessly directed by magnetic minds has proved to be only a *katzenjammer* of the radicals' imagination. No such domineering army, flaunting the banner of Big Business, exists: its potential leaders are hiding under flower-pots in storm cellars, and its panicky ranks have scattered before the onslaught of a ragged handful of Reds.

Indeed, the ease with which radical propaganda has captured the publicity spotlight must have astounded the Left-wing chieftains themselves: for if they

fully comprehended the confused state into which their capitalist enemies have fallen, they would now be whooping up even more savage assaults upon the structure of democratic government, in the name of Karl Marx, the New Deal, and the More Abundant Life. But the Comrades, of course, are not so astute. Nevertheless, their propaganda continues to be the loudest, if not the most effective, in the political and economic arena today. If they never accomplish anything else, the radicals, basking in the refulgence of Dr. Roosevelt's Thirty-Billion-Dollar Smile, have succeeded in stirring up the most overwhelming din ever to assail the eardrums of a country which is profoundly conservative at heart.

There are several explanations for the strange controversial weakness of the conservative camp. First in importance may be cited the capitalist's sublime confidence in the perpetuity of his system. To him there is no Left-wing problem. And, obviously, there is no necessity for defending the present order if its supporters are happily unaware that it is endangered. Living in a house of looking glasses, they are benignly unconscious of the social and intellectual forces seething outside. Prior to the New Deal, the majority of businessmen, on those rare occasions when they contemplated their system, thought of capitalism as a vast self-balancing entity which, in its broader aspects, was virtually automatic. It was not something to worry about or to safeguard; it was not a topic for contro-

versy. Wrapped in this complacency, it was inevitable that business executives should feel nothing but contempt for their radical critics. Individually, the Reds were unimportant fellows, seldom encountered at clubs, business conferences, or social affairs. The instinctive reaction of the average capitalist, until the last few years, has been to shrug his shoulders at mention of the radicals and to murmur platitudes about bomb-throwers and cranks.

The advent of Franklin D. Roosevelt, with his disorderly economic policies and his startling elevation of Utopian minnesingers to high office, did something to lessen this assurance. Overnight, the New Deal transformed the revolution from a myth into a challenge. Unquestionably there is less arrogance and self-confidence among American business leaders today than at any time since the establishment of the Republic. There is, too, less disposition to deny the radical menace. But unfortunately, this state of mind has done little to further an honest comprehension of social realities. Capitalists have become more militant under the Roosevelt goading, but not more intelligent. The self-confident executive who, a few years ago, laughed at the suggestion that collectivism could ever seriously menace America, is now prone to swing to the other extreme and to talk pugnaciously about vigilantes and the suppression of radicals by law. But he is still unwilling to face the fact that radicalism is an incalculable force in America, and that it can only be halted by a capitalism which is intellectually capable of pleading and proving its case before the jury of American public opinion.

A second major reason for the inaction of conservatives is the fact that the leaders of business are by no means a unit in opposing the collectivist drift. Few businessmen think of themselves as components of a

"capitalistic system". It is only the continuous usage of the phrase by radical thinkers during the last four decades which has finally driven industry to accept the category. Instinctively, the businessman thinks of himself in terms of steel, or coal, or motor cars, or electric power. His energies are devoted to the aggrandizement of the specific economic group to which he belongs, often at the expense of other groups, and not infrequently at the expense of the system as a whole. Such a step as general mobilization in defense of a particular industry under attack by the collectivists appears, to him, to be almost fantastic. Beyond the passage of denunciatory resolutions by such organizations as the Chamber of Commerce of the United States or the National Industrial Council, and half-hearted financial support of the Republican party, there is little disposition on the part of American business to interest itself in anything outside its own bailiwick.

A sound illustration of this unconcern was presented during the fight over the Wheeler-Rayburn utilities bill in the first session of the present Congress. Anyone familiar with the long campaign waged by such organizations as the Public Ownership League, the People's Lobby, and the National Popular Government League would comprehend that the proposal to bring all holding companies under federal regulation was the first step in an elaborate plan to detach the thirteen-billion-dollar utility industry from the free enterprise system and transfer it to the area of collectivism. Whatever the past shortcomings of some of the companies, there could be no question that an astute capitalism would have rallied its full strength to halt this perilous New Deal program. Victory for the government would surely constitute a precedent to embolden the collectivists to further raids upon free enterprise.

Yet what actually happened? There was no militant invasion of Washington by business leaders to serve notice upon politicians that the legislation was preposterous. The utility men were left to fight it out virtually unaided, and in the end, they lost. It is illustrative of the parochialism of American business that the one major force which did rally against the Roosevelt policies was the bituminous coal industry. But, characteristically, the motive of the coal operators did not concern the future of free enterprise. They attacked the New Deal program because the encouragement of hydro-electric power would narrow the market offered by steam plants for bituminous coal.

The timidity of many corporation executives is largely the result of the passing from the modern scene of the promoter and proprietor type of industrialist. The system has been virtually emasculated by the disappearance of these vigorous, robust figures who founded its units and became the symbols of American capitalism. The men now at the helm are primarily concerned with the maintenance of their jobs by assuring an uninterrupted dividend to stockholders; their minds run to stabilization rather than to political struggle. It is inevitable that such leaders should be disinterested in controversy with radical propagandists. Passively, they may sympathize with the forces combating the socialist tide; but this sympathy is not translated into action or support. Confronted by a Left-wing movement of fanatical enthusiasts and propagandists, capitalism, insofar as the typical corporation head symbolizes it, offers only an opposition of cold, spasmodic ineffectiveness.

Resulting from these deep-rooted states of mind is the third cause of capitalism's polemic impotence—the fact that it has no staff of trained propagandists. It is the cus-

tom of radicals with the martyr complex, Upton Sinclair, for instance, to lament loudly the power and malevolence of the "capitalist press". One of the most successful platform tricks of the radical speaker is to protest tearfully against the censorious iniquity of capitalist thought-control. A listener receives the impression that a capitalist monitor stands like Cerberus guarding the gate of every avenue of public information. But the irony of the situation is that the propaganda power of the radical movement today is probably many times as effective as all the vaunted instrumentalities of capitalism. It is true, of course, that capitalist pressure can be concentrated with devastating strength in the face of specific situations—a threatened local strike, a national war crisis, a political assassination, etc.—yet there is no continuous vigilance on the part of capitalist publicity agencies to combat the broader challenge of the collectivist drive. The counter-attacks are only intermittently effective. Except in rare crises, capitalist propaganda is outgeneralled, outmanned, and outmaneuvered by its opponents on every front. It may seem paradoxical that a small radical minority could be capable of such a feat. The explanation, however, is that capitalism fails to maintain a staff of professional intellectual shock-troops comparable to the enemy propagandists. Instead, it depends upon untrained and irresponsible volunteers to combat talented men and women who have devoted a lifetime to polemics. In short, it is the old and unequal battle of the amateur against the professional.

The capitalist position has become even more vulnerable as a result of the extent to which most of the large corporations have encumbered themselves in recent years with high-salaried public relations counselors who have entrenched themselves

in positions of virtual control over the publicity policies of American business. There are few large industries which do not carry a \$30,000 or \$40,000 a year vice-president whose primary function is to make publicity decisions. Unfortunately, the influence of most of these pompous experts, the medicine men of modern capitalism, is debilitating — with certain notable exceptions — rather than inspiring. By gathering into their hands the control of public policies, the counselors have stolen the power of quick decision, in political matters, from the executives of Industry. Most of them, eager to safeguard their jobs, have found that the line of least resistance is the negative line. They encourage their superiors in that attitude of indifference and political inaction which now paralyzes the system. Because they are engrossed only in problems affecting their own specific industries, their counsel is usually for compromise and conciliation, rather than for aggression. The measure of their mentality may be seen in the fact that almost the whole clan of public-relations wizards fell for the preposterous General Johnson and NRA in 1933, and were largely responsible for the narcotic submission of American capitalism to the Blue Eagle in that psychopathic interlude. While there are a few broad-visioned tacticians among them, the majority are merely personable handshakers. So long as they control the public policies of capitalism, nothing but silence and retreat can be anticipated.

II

In the face of this confused planlessness of modern capitalism, it is small wonder that the *junta* of revolutionary borers-from-within has invaded the most vulnerable intellectual sectors of the nation's social order. It is probably no exaggeration to

say that the best natural propagandic ability of the country is now gravitating to the various radical movements. Nor is it surprising that this has happened. Young men and women who possess a flair for controversy and emotional politics find little scope for their talents on the capitalist side. On the other hand, they find the institutions of radicalism ready and eager to exploit their capabilities, immediately upon their exit from college. If they are writers or artists, a score of enterprising radical magazines are cordially receptive to their earliest contributions. If their ability is agitational or oratorical, there are subsidized platforms eager to present them. The showmanship of radicalism assures them quick and certain publicity. Talented young people who would struggle for years for public recognition in conventional pursuits can frequently attain national reputations, almost overnight, by radical posturing. Even those of mediocre ability find advancement easy, thanks to the widespread log-rolling and back-scratching which is practiced by radicals in all the arts.

An amazing number of Left-wingers occupy key positions today in literature and journalism. They stand at the portals of intellectual advancement in many professional fields. There is scarcely a so-called capitalist newspaper whose staff is not honeycombed with communist messiahs who exercise an unrecognized veto power over the treatment of news. The book review departments of the leading newspapers and magazines are notoriously in the hands of Left-wingers who extol the pink and red authors and damn the reputations of those who are *persona non grata* to radicalism. In this connection, it is symptomatic that the featured book reviewers, John Chamberlain and Lewis Gannett, of the two leading conservative newspapers of New York City, the *Times* and the *Herald*

Tribune, are men of outspoken radical sympathies.

In the theater, the same situation is developing. Such radical-sponsored organizations as the Group Theater, the New Theater League, the Theater Union, and, to some extent, the Theater Guild, offer extraordinary opportunities for early recognition to sophomore playwrights. When an amateur radical dramatist such as Dr. John Haynes Holmes writes an inept *If This Be Treason*, he secures production by the Theater Guild and enjoys a blare of publicity from radical and liberal dramatic reviewers which secures national attention. It is superfluous to ask if an inexperienced conservative playwright of equal talent could command such notoriety.

In many colleges and universities a similar intellectual kangaroo court is rapidly becoming the real arbiter of advancement. In some instances, the radical faculty faction, always a small minority, virtually rules the campus. Its power derives from the fact that its members are supported by a clique among the radical students and student organizations which no conservative professor enjoys. The radical educator finds the columns of the liberal and Left-wing magazines open to his articles, and the radical reporters and sub-editors of the daily newspapers eager to aid his career by giving free publicity to his lectures or extra-curricular activities. Should the radical professor overstep the bounds of good taste and find himself facing discipline from his university board, the radical forces martyrize him as a victim to ideals. The American Civil Liberties Union will supply him with high-powered lawyers, who will harry the university authorities until the action is dropped. The radical and liberal newspapers, as well as conservative dailies, will give him national publicity in highly-colored and favorable news

stories and editorials. On the campus, regardless of the richness or mediocrity of his scholastic attainments, he will have the vociferous support of every fellow-member of the radical coterie.

How this professional log-rolling operates was illustrated in the much-misunderstood Bergel case at the New Jersey College for Women in New Brunswick last summer. The case was commonplace: it involved the discharge, after a year's advance notice, of the junior professor of the German Department on the grounds of incompetence and inability to work with his fellow teachers. Such events often occur in educational institutions, and usually pass without comment by the press or public. But what differentiated the Bergel discharge was the fact that he had identified himself with the Left-wing of the faculty. Upon receiving notice of his discharge, he called in the American Civil Liberties Union with the plea that he was being persecuted for his radical convictions. He went further, and with the aid of the radical and liberal press of New York organized a counter-attack against Dr. F. J. Hauptmann, head of the German Department, on the ground that the latter was a Nazi. By radical pressure upon the sensitive, politically-appointed board of trustees, he turned accused into accuser and succeeded in having Dr. Hauptmann himself brought into the dock to answer charges before an investigating committee. The New York newspapers carried columns of sensational publicity concerning the case.

Leaving aside the question of Dr. Hauptmann's "Nazi-ism", which, whatever its truthfulness, was of course a red herring, the point to be noted is that Dr. Bergel, by virtue of his radical identity, was able to achieve a wide sensation over a simple case of discharge for incompetence. He secured the support of the American Civil Liber-

ties Union, of two powerful New York evening newspapers, of the Socialist and Communist movements, of the teachers' union, and similar organizations. One has merely to ask whether a conservative teacher, placed in a similar situation, would have commanded equal support. . . .

In the light of such happenings, it is not surprising that scores of young men and women in literature, the arts, and the teaching profession are turning eagerly to radicalism. They have discovered that a Left-wing reputation is almost an open sesame to swift advancement. Conversely, there are many intellectual environments wherein it is unsafe to be an avowed opponent of radicalism. Like Dr. Hauptmann, an outspoken anti-socialist is in danger of being framed by the radical clique as a Nazi, a fascist, or worse. As a result, conservative faculty members discreetly allow their opponents to go unanswered.

A reflection of this intellectual reign of terror occurred recently in one of the great educational institutions of the East. An eminent faculty member had won national attention through his speeches and writings against some of the more irresponsible experiments of the New Deal. As a member of the American Liberty League, he had spoken frequently in its behalf. Presently the League became interested in establishing student chapters in universities where radicalism was strong, to offset the Marxian influence. As an outspoken conservative, the professor was asked to sponsor the formation of such a group. But his prompt reaction was to decline vehemently and to urge that the League drop his particular institution from its program. His usefulness, he explained, would be destroyed if he were drawn into a controversy with the Left-wingers on his own faculty: there would be immediate reprisals, making his university position untenable.

There are extenuating reasons for this passivity. The men involved have no desire to entangle themselves in controversies where the capitalists themselves may be the first to abandon them. They realize that if they encounter reprisals, the conservative press will be the first to sensationalize the controversy and to picture it as a noble effort of "liberal" professors to safeguard the college against "fascism". They realize that there is no agency on the patriotic side similar to the American Civil Liberties Union, or no group of polemic conservative magazines to present the true facts of the case to the public. They know further that a teacher or writer who draws fire as an opponent of the radical clique will find himself blackballed thereafter in numerous fields of intellectual opportunity. If an author, he will be discriminated against by radical publishing house readers, radical reviewers on the magazines, radical book-buyers for libraries, and radical book stores. If a lecturer, he will discover that lucrative booking organizations are closed to all except pink or red speakers, and that the interdict is particularly crushing in the instance of a conservative who has been classified in radical categories as a Red-baiter. Among conservatives, he will find little sympathy and much censure. His stand will be misinterpreted as an example of unnecessary trouble-making. His logical supporters will be disposed to accept whatever version of the controversy appears in the press, and to shrug their shoulders irresponsibly at the consequences.

III

In the face of such cynical unconcern, it is small wonder that the conservative men and women of propagandic talent have little inclination to take up cudgels against the Left. The unconcern of capitalist lead-

ership is driving the very men and women who might constitute its intellectual Praetorian guard into the enemy's ranks. Paradoxically, it is more profitable today for an intellectual, unless he is content to enter the non-polemic field of advertising, to be radical than it is for him to be conservative. There is less money at present for writers who defend capitalism and constitutionalism than for those who make the attacks.

Much of the conservatives' short-sightedness arises from the instinctive disdain which many wealthy industrialists feel for the impecunious intellectual. Men whose standard of social measurement does not reach beyond income are unable to comprehend the vast powers exercised in a literate democracy by the educated minority. They fail to perceive that the fate of capitalism must be determined, in the final analysis, by the loyalty of the intelligentsia. It was George Soule who pointed out in *The Coming American Revolution* that, throughout history, the first signal of the passing of a ruling class has always been the desertion of its intellectuals. The Bourbons lost France not in the days of the Convention, but in the preceding generation when the Encyclopedists shattered the old faith. The Romanoffs fell in Russia when the intelligentsia swung over almost unanimously to the revolution. Likewise capitalism, despite its present vitality, may not long survive the apostasy of its intellectuals. It cannot maintain its morale while it is held up to scorn in novels and magazines, on the lecture platform, on the stage, in the classroom, and in the pulpits, by the most articulate bellwethers of the time. It cannot endure if it loses the allegiance of the younger generation.

In order to survive, its leaders must awake from their dream that the intellec-

tual challenge of the Left is beneath reply. They must realize that in an age of social controversy, the existing order cannot hold respect unless it defends itself with arguments as well as policemen. Mr. Roosevelt's little raids upon the profit system, inadequate as they may seem to the orthodox revolutionary, would have found few supporters had not the intellectual soil been prepared during the preceding years by the continuous campaign against capitalism in the national mind. Capitalism must train and support inspired defenders. It must learn to riddle the superficialities of the radical appeal by presenting itself, not as an acquisitive, but as a dynamic, social order. It must find drama as well as statistics in its case. It must touch the emotional springs of the people, and it must offer to its adherents the same stirring sense of conflict for human uplift which animates the marchers in the radical army. It must see beyond materialism, humanizing its appeal to reach the vast army of the underprivileged who are now groping toward non-capitalist horizons.

Such a slashing counter-offensive cannot be launched by the depressing mumblers who speak today in the name of capitalism. It cannot be waged by the racketeering type of anti-Red organization which has fastened itself upon the conservative public in so many communities. It must be undertaken by men who understand the impulses which cause other men to become radicals, and who have the underlying feel of the social situation which they seek to control. They must be controversialists who have the intellectual temper to command the fear of the Left. And finally, they must have the full and sympathetic support of American capitalism, or all their efforts will be written in water.

AN OPEN LETTER TO MR. JEFFERSON

*Thomas Jefferson, Esq.,
Valhalla.*

SIR: It occurs to me that a report to you on the state of the Union from someone not seeking the political favor of your saintly patronage might lighten the boredom of immortality. In any event, with the progressive disintegration of a curious organism which we politely call the New Deal under the blows of the Supreme Court (remember?), the occasion for such a report seems propitious; while in addressing it to you I shall escape the emotional response which would be sure to follow its receipt by mere mortals. No doubt from your long and intimate experience of popular psychology in this country you can recall periods when any attempt at rational discussion of public affairs was bound rather sooner than later to bog down in a swamp of personalities and prejudices. This is a period of the kind, so I am asking that you, who can neither refute nor ridicule my discourse, lend me an ear.

My excuse for picking on you among the heroes of our national infancy must be fairly obvious. You were the actual inventor of the leather buggy-top which is still the characteristic feature of that sterling vehicle, and you are, therefore, without question the true father of the "horse-and-buggy" era. Incidentally, it should interest you to learn that buggy sales have been increasing since 1932. One buggy manufacturer sold 900 last year. In your day that would have been considered mass

production, wouldn't it? Buggies are made now mostly in regions of the Deep South where the condition of the roads is still discouraging to the motorist. The volume of their sales depends on cotton prices. Is this recent increase not rather amusing in light of our President's notion that it is the destruction of the aforementioned New Deal that is bringing back the "horse-and-buggy" era?

I am happy to inform you that the President has refrained from greeting the recent decision against another of his favorite creations (AAA) with further reflections against this era of yours. His rather petulant slur when the Supreme Court condemned that masterpiece of bureaucratic architecture (NRA), if it was communicated to you in your retirement, must have given you whatever passes for a pain in Valhalla, coming as it did from one who, by profession, is your disciple. Perhaps Mr. Roosevelt has since sensed the natural outrage to your feelings for which he was responsible, but I am afraid that other reasons for his recent reticence predominated. Which brings me to a consideration of current economic history.

You must know, then, that following the demise and embalmment of NRA, the dire predictions of industrial chaos were not fulfilled. On the contrary, shortly after the tragedy, business entered upon a beneficent spiral which, as I write, has not yet attained its peak. Virtually all indices have

shown improvement, including those for the heavy industries, for employment, for wholesale and retail trade, for security prices, for car-loadings, for the consumption of power and — well, I need hardly amplify the list. The taste of freedom from the bureaucratic grip seems to have brought to the body economic a mild intoxication which has found expression in the popular demand that if this be the “horse-and-buggy” era, let’s have more of it! That sounds logical, doesn’t it, Mr. Jefferson?

Presidents, as you know, are superstitious. It is quite conceivable that Mr. Roosevelt associated his offensive remark with its aftermath and hence feared to repeat it lest agriculture, released in its turn from alphabetical harness, should duplicate the performance of industry. Suppose the volume of buggy sales in the South should increase again — wouldn’t that supply the crowning touch of irony to the President’s reference?

It grieves me to have to call to your attention the vast expenditures and proliferation of federal bureaus voted by a Congress under the domination of the party which swears allegiance to your name. I am familiar with the fact that you began your administration by reducing governmental expenditure and persisted in this course until you had virtually cut it in half. You abolished the excise and various forms of direct tax so that by the end of your first term you could say to your countrymen: “It may be the pleasure and pride of an American to ask what farmer, what mechanic, what laborer, ever sees a tax-gatherer of the United States.” I am glad you are not put to the embarrassment of viewing the present situation. We may not *see* the federal tax-gatherer now but we are painfully aware of his presence in the price of everything we buy.

You regarded with horror a national

debt of \$100,000,000 on which the government paid interest to the “rich and well born”. What do you think of one above \$30,000,000,000, most of it funded in tax-exempt securities which not only pay interest to the “rich and well born” but provide them with a means of escape from the tax-gatherer? Instead of reducing the national debt as you did by “applying all the possible savings of the public revenue”, the gentlemen in power today, who call upon your name to sanctify their policies, have about doubled it, and the end is not yet. Sounds a bit fantastic, does it not?

Meanwhile, if you think your friend Hamilton managed to complicate the government’s bookkeeping “until the whole system was involved in impenetrable fog”, kindly consider its condition at present, a condition which defies the penetration even of those who devised it. You told Gallatin you wanted to see “the finances of the Union as clear and intelligible as a merchant’s books, so that every man of any mind in the Union should be able to comprehend them, to investigate abuses and consequently control them”. The only man of any mind in the Union currently capable of their comprehension is Dr. Albert Einstein, but he is devoting all his energies to other fields of astronomical research.

The apostasy of your disciples in these respects is overshadowed, however, by their stubborn efforts to control from Washington the entire economy of the nation, to dictate the wages and hours of labor and the prices of its product, to regulate the farmer in the amount and nature of his crops, and in general to police the citizen with a mighty army of civil servants based on the national Capital. Your views on centralization are so well known that it would seem a sense of humor, if nothing else, might have restrained your professed followers from their prodigious strivings in

this direction or, at least, have spared both you and us their pretensions to your mantle. But, as we know, a sense of humor is not a conspicuous attribute of the members of the Brain Trust.

Your exclamation in a letter to a friend — “What an augmentation of the field for jobbing, speculating, plundering, office-building, and office hunting would be produced by an assumption of all the State powers into the hands of the General Government!” — seems to have been forgotten by Mr. Roosevelt’s professional disciples. Your notion that “a single consolidated government would become the most corrupt government on earth”, your desire to cut up even the states and their counties into little self-governing republics, and to confine the federal sovereignty to the relatively few functions obviously within its sphere, have not deterred these gentlemen from insisting on a central bureaucracy all inclusive in its authority — while invoking your blessing on their enterprise. Isn’t that rather like taking your name in vain? What you said in 1821 fits the shoe all too snugly today: “Our government is now taking so steady a course as to show by what road it will pass to destruction, to wit: by consolidation first, and then corruption, its necessary consequence.”

They now call one of their pet schemes “an economy of scarcity”. You are fortunate you don’t have to live under it, Mr. Jefferson. You summed the whole thing up quite neatly over a hundred years ago when you remarked: “When we must wait for Washington to tell us when to sow and when to reap, we shall soon want bread.” We have found that out. . . .

I shall speak in a moment of the resistance the New Dealers have encountered from a quarter which will surprise you. In advance let me direct your attention to the patronage machine which has been the in-

evitable by-product of their drive and a perfect confirmation of your fears. You remember your observation that “the elective principle becomes nothing if it may be smothered by the enormous patronage of the General Government”; also that in accordance with this belief you cut the number of federal offices in half and thus voluntarily relinquished the “engine of self-elevation” at your disposal. Under the administration which delights in calling you Master, the number of federal appointees for the first time in history tops a million and out of them has been forged a machine to make that of your hated Federalists look like a primitive toy. You should see Mr. Farley, who runs it. What a Jeffersonian!

And have you remarked who they are who have set their store teeth against this egregious perversion of your administrative philosophy, against this multi-billion-dollar joyride which would show its dust to the horse and buggy? None other than the justices of that Court which the Federalists organized and which you so deeply distrusted. You thought you detected this Court in your time “construing our Constitution from a co-ordination of a general and special government to a general and supreme one alone”. You spoke of it as the “engine of consolidation”. But today it seems to be doing its valiant best to preserve that same “co-ordination of a general and special government” against the tremendous pressure of your ostensible worshippers, to restore to the country a semblance at least of the “horse-and-buggy” era of which you were the parent and legislator. If, therefore, its decisions drop like coals of fire on your devoted head, I hope, in spite of the discomfort they occasion you, you will acknowledge your debt to an old enemy.

Of course, if you were in a position to

query me I should have to acknowledge that in this long letter I have not yet told you the whole story. Mr. Albert Jay Nock, your biographer, to whom, among others, I am under obligation for the honor of your acquaintance, has assured me that you were never a doctrinaire with respect to forms and functions of government, that always uppermost in your mind was the championship of what you called the "producer" (whom we call the Forgotten Man) against the "rich and well born" (whom we call the Interests). Mr. Nock is strongly of the opinion that in a pinch you might even have espoused centralization, if it had appealed to you as an effective means to your end, and he has cited the Embargo Act and the Louisiana Purchase to support his contention. You have the right to know, therefore, that the New Deal also fancies itself as the champion of the "producer" and that it has violated all your precepts in his name.

But there seems to me to be a fundamen-

tal difference, Mr. Jefferson, between your Administration and the New Deal, not only in procedure but in objective. Where you sought simply to release the producer from his bondage to privilege, the New Deal has exerted itself to make of the producer a privileged person in his turn. Hence its complete break with the public virtues of your regime.

I am sure you will join with me in praying that the delirium may come to an early close and that, as the light of a new day floods in upon us, there will be seen the silhouette of your buggy-top against the glowing sunrise.

With great respect and esteem,
Your ever obedient servant

WILLIAM MORRIS HOUGHTON

P.S. I hope this letter will help reconcile you to your enforced residence in Valhalla. I would impress upon you that it has its compensations.

W. M. H.



THE MAN-GOD OF JAPAN

BY SYDNEY GREENBIE

IN THIS age of confused and visionary political experimentation, when each nation is formulating its own peculiar concept of the perfect state, when a journalist assumes the trappings of Caesar, when a house-painter grasps at the mystical dignity of a culture-hero, and when the centuries of Romanoff rule culminate in a military despot masked as a Comrade, there is one nation whose belief in omnipotence is not wholly transient. Wielding over the mass-mind the power to which the current European dictators can only aspire, Japan can point to seventy years of majestic survival, during which it has superimposed upon a semblance of fascism the compulsions of a supreme but earth-bound divinity. If the dictators of the hour hope that in some future era they will be revered as gods and their descendants canonized, the Japanese are far ahead of them: they have their god already made. Theirs is no dummy despot with a few years' enthronement behind him; their Emperor is a godhead who disdains dictatorial privileges, for his claim to power is immemorial. Against it no voice of liberal or radical is seriously raised. Japan is the one civilized country in which there are virtually no political liberals, for even the wisest and sanest, like the church fathers of old, believe that reason should abdicate before faith—faith in the unquestionable divinity of the Emperor.

Japan has her unofficial Ogpu and her Storm-Troopers and her Youth Move-

ment, known as the Black Dragon and the Blood Brotherhood and *soshi*, whose ambition has been to bring the world back to Oriental civilization. In the past seventy years, she has not only achieved absolute inner regimentation and a goodly overlordship of a vast part of Asia, but she has dreamed of world hegemony, physical and spiritual. As early as 1858, five years after the Japanese door was opened by America, Lord Hotta declared that "among the world's rulers (aside from Japan) there is none noble and industrious enough to command universal vassalage", and spoke of the "power and authority deputed to us by the Spirit of Heaven". Similar statements have rung down the years in ever-increasing paeans of self-praise, and have been instilled into Japanese children from kindergarten age upward, so that the veriest infants feel that the Spirit of Heaven is actually resident amidst them in the person of their Emperor-God. Belief in him as divine is taught as fact, and the recalcitrant receives punishment that is sudden and telling. What is required is not merely political obedience to an absolute dictator, but voluntary spiritual obeisance. It is not patriotism alone; it is adoration of the Host.

Unless this religio-political sentiment is understood in all its implications of beauty, wonder, and peril, Japan's ambitions and achievements cannot be comprehended, nor can any contract made with Japan by the nations of the world be valid. Without

it there can be no meeting of minds in anything that concerns the land of the Tenno.

Here, without question, is one of the most extraordinary phenomena of the nineteenth and twentieth centuries. Kings and emperors, ruling only by divine right, have crashed from many thrones. Mohammed's sword has grown dull. The Pope asserts but slight temporal authority. Dictators banish priest and prophet, and only half-daringly exact obeisance as infallible; even Mussolini uses both King and Pope as crutches to his power. But the Tenno of Japan holds in his hands the lives of seventy million subjects, their souls and their ancestors, not *by* divine right, but *as* divine power incarnate. Beauty, worship, murder, repression, suicide, aggression—seventy million tongues of praise, seventy million hearts of worship, seventy million lambs of absolute submission, seventy million pigments of pageantry, seventy million swords of pride—a nation unified as no nation has ever been unified before in the person of one living man. No statesman's life is safe except in adoration of the Emperor who is god in a land that has no word for God; no man's life is worth anything to him except in the grace of that Emperor. Though this story has trickled through to the Western world in innumerable items, the full-sized portrait has never yet been shown in all its might and magnificence.

Only he who has lived under the refulgent glare of Tenno-worship can understand the power and the pathos of this submission. One looks into a withered, wondering face of a Japanese, a face that has known perhaps little besides hunger, sweat, and a beautiful landscape. It has seen few marvels except such as sprout in the rice paddies, or emerge, red and kicking, from the womb. But as it stands be-

fore the woodland shrines at Ise, sacred to the Emperor, seeing only the thatched roof above the wall, in that face you read an experience which cannot be read in the skeptical face of the Chinese, the fanatical face of the Mohammedan, or the belligerent face of the fascist, frantic with inner doubt and fear. Beneath this fanaticism and divine fantasy, there is a restrained self-abnegation, an exquisite sadness that touches the most arrant unbeliever. One may stand in that still forest place, where, every twenty years for twenty-five centuries, the simple wooden shrine containing the most precious treasures in all Japan—the sacred sword, the mirror, and the jewel—has been rebuilt in exact replica of its first primitive model, and there one may watch the thousands come, pause, and stare with wonder that the gods could have been so beneficent as to allow them to see this with their own eyes. One may stand in the square before the Emperor's palace in Tokyo, lost in reverence for the beauty of the scene—the moat, calm and tranquil, upon the waters of which lie the sacred leaves of the lotus, the mist spreading a heavenly unreality and weaving twisted pine and giant cryptomeria into a fretwork of incomparable loveliness; the sound of a bugle in the far interior of Mikadoland, so gracious, so ancient, so divine. Singly and in small groups, the Japanese come, stand bowed in prayer, and move on. Lost in the scene, the spectator is startled by a shrill whistle. The policeman, a block distant, has seen one place a foot, unconsciously, on the base of the wall, and furiously waves the offender away. And so the spectator awakes to political realities.

For on this centuries-old sentiment of the people for the Tenno, the present government builds a blind, fanatical, violent adoration, reinforced by every modern

mechanical means of propaganda and punishment, and takes instant punitive measures against whoever even unwittingly slights its Emperor-God. It has been decreed that a newspaper which prints Imperial Household without capital letters shall be suppressed. No man, or stone image of a man, may be placed where either might be above the level of the Emperor if he is passing. When the Emperor's car goes by, all blinds must be drawn in homes, no one may remain on balcony or roof, workers on steel structures must scurry to the ground, blinds in streetcars must be drawn, and no person may stand upon even an eight-inch doorstep. A striker once set himself atop a smokestack and nothing could bring him down until warned that the Emperor was to pass below and he would be washed to earth with a firehose if he did not descend.

Unlike the rest of the world, which puts the faces of its rulers on its coins and stamps, the Japanese believe that the countenance of the Tenno is too holy to be fingered by the multitudes. So sacrosanct is the portrait of the Emperor that it may not be exposed to the public gaze; hence, until recently, pictures of their Majesties were covered with tissue paper at all stores. In schools the royal portraits are kept under lock and key, curtained with velvet, to be revealed only on state occasions when all must bow before them as the national anthem is sung and the Rescript on Education is intoned. So sacred are these portraits that worshippers have rushed into burning buildings to save them. Once, when a Japanese found himself unable to escape alive from a flaming building, he cut himself open, inserted the portrait in his abdomen, and was found dead with the sacred likeness safe within his blistered and blackened body. This, to the Japanese, was heroism supreme.

There is only a tip of the balance between adoration and self-sacrifice. The annals of Japan cry aloud with tales of self-murder. When a switchman delayed the train of the Emperor two minutes, he committed *hara-kiri* to atone for his crime. When, on the way to the station, a tire of the Emperor's motor car blew out, the chauffeur committed suicide in penitence. Even the name of the Emperor is something to die for. The name itself is so sacred that it is not generally mentioned, and often has not even been known to the public; so when it chanced that a Japanese mayor named his son Yoshihito and it was discovered that he had pre-empted the name of the Emperor, a protest arose which forced him to resign and to kill himself in atonement. Suicide has even been resorted to in order to keep this god from wandering abroad to lesser lands. Only once has any Japanese ruler left the sacred islands of Nippon. When the present Emperor, as Crown Prince, decided to repay the visit of the Prince of Wales, people prayed that the decision be revoked, and many committed suicide in an endeavor to keep the Sacred Person safely at home.

II

This Sacred Person dwells in Chiyoda Palace in Tokyo, sequestered within three moats and walls, and protected by a regiment of soldiers. Until the reign of the present Emperor, the Inner Court was without trace of foreign influence, contact with mortal man being proscribed. Because fire is no respecter of gods, there were, in the bitter winters of Tokyo, no stoves and no general heat except the ubiquitous *hibachi*; there were no electric lights, no beds, except the straw mats of the floor; no plumbing, no comforts—a life dingy and drear for all its riches. It

has been traditionally a world of women, hundreds of them, ladies-in-waiting, wives, and concubines, though monogamy was decreed in 1889. Every day, the maids must undergo a process of purification and must repeat it if thoughtlessly they have touched their own lower limbs. In and out, between the sliding paper doors, over the soft padded floors, they move in perfumed silks, on their knees, their hands gloved in silk. Rising at six, they dress and purify themselves before entering the August Presence about ten o'clock. There is lunch at eleven, refreshments at three, dinner at five, games and recreation until ten, and then to bed. The maids never leave the Inner Court, and no one is admitted from the outside. The world that moves along so furiously beyond the palace walls passes them as furiously by. Yet around this inner essence, like a tough shell, are spacious apartments in foreign style with all the comforts and appurtenances of the palaces of ordinary kings—guards, offices for ministries of state, telegraph, and post office, power plant and waterworks, stables—all the necessities of a self-contained imperial town.

The life of a god who dwells within the inner circle must of necessity be painfully restricted. If it is impossible for a carpenter or plumber to touch the sacred walls of this sanctuary, how much more untouchable the person of the Emperor. So sacred is the Presence that it has been the custom for the court physician to diagnose ailments only at a distance. If the Tenno runs a fever, the doctor is hard put to determine the cause, for he cannot take the Imperial pulse or insert a thermometer except with hands covered by silk gloves. Matters are even more difficult for the tailor. While Japanese court costumes are so ample that a yard or two more or less makes little difference, when it comes to

Western frockcoats and uniforms the terrified tailor has to take measurements by perspective, like an artist painting a picture. In fact, so sacred is the Imperial Person that when an accident occurred to the Empress's carriage, a coolie who rushed to her aid and thereby touched her hand was sent to prison for his gallantry.

The icy formality that surrounds the life of the Emperor is unbroken. Here and there impressive items are published about his personal preferences, his interests, his tastes, but so long as his life is smothered in religious mystery, the world is privileged to doubt as well as to believe. According to report, he is fond of music and chess, follows the work of scientists, and maintains his own laboratories; the Empress likes outdoor sports and is an accomplished musician, with a taste for Beethoven and Chopin. We are told that at the Peer's school, the Emperor showed mentality above the average, yet who would dare give him a lesser grading! Swathed in mystery, seen by no one except his official world, royal edicts promulgated with which he may have little to do, history garbled to suit the fiction of divinity, he leaves to the outside world the function of a doubting Thomas.

Though the Emperor, as God Incarnate, is primarily concerned with the world of spirits, his temporal power is tremendous. One of the richest potentates on earth, his domain consists of some 4,000,000 acres valued at \$325,000,000; other properties, buildings, cattle, agricultural implements, are worth perhaps another \$40,000,000; besides, he owns shares in the largest banks of Japan, in the Nippon Yusen Kaisha steamship company, and the Imperial Hotel to the sum of \$150,000,000; while theoretically, all Japan is legally his very own. This does not take into account public

funds spent on his behalf, for coronation, shrines, and all that goes with pomp and piety. The pageantry of a thousand years, re-enacted at the last coronation, cost \$250,000,000. Over streets that had been purified and dressed with sand, the Emperor rode through lines of squatting people, twenty deep, not a cheer, not a sound, heads bent at his approach and lips moving in prayer. Such is the kingdom, and the power, and the glory, for ever and ever. . . .

III

Such wealth and prestige were seldom the happy possessions of the Emperor's ancestors, with whom he still lives in constant communication. To understand the difference between emperor-worship as an ancient tribal practice and the imperialistic world power which it is today, it is necessary to indulge in historical retrospection. A Connecticut Yankee in the Mikado's Court would have to go back more than a thousand years beyond King Arthur. He would find himself in an island just born—the crystallization of the union of the god and goddess, Izanami and Izanangi, who together created the Land of Nippon. Then he would behold a tribal chieftain, Jimmu, arrived from no one really knows where, but now said to be the first of the living gods who still reign over Japan. Jimmu held court under the open trees and carried with him the sacred symbols of his divine parents—the mirror, the sword, and the jewel at the Ise shrines. As the centuries passed, the descendants of Jimmu shifted their capital from Nara to Kyoto, subjugated the native Ainu, and built their simple, shack-like shrines and introduced the arts. Although they never forgot that they were gods, they took the human way of perpetuating themselves,

married, murdered one another, and exercised simple tribal rites.

This is the legend, but historical research cannot go back more than a thousand years with any degree of certainty. Within this period, emperors have been deposed, removed at maturity, and eclipsed by military shoguns. The 96th Emperor, Go-Daigo, was hounded from his capital. The 103rd Emperor died in 1500, and his body lay for forty days awaiting the money for burial, while his successor, also lacking cash, did not ceremoniously ascend the throne for twenty years. Another emperor was so poor he earned his living by copying poems and signing autographs; still another dwelt in a thatched hut, not proof against the rain. For 800 years the Japanese never even saw their emperor.

In the face of poverty and eclipse, the rulers maintained succession by diverse methods which no Western dynasty would recognize. Emperors who had no sons adopted sons. Given ample opportunity to sire heirs, since they had no lack of wives and concubines, they still raised the sons of these ladies to the throne without strict inquiry into their paternity. In the light of this, one reads with astonishment the absurdities with which the Japanese embellish accounts of their dynasty and their patriotism—an “unbroken line” of emperors, a dynasty “co-eval with the ages eternal”, “2500 years of history”, and such folklore. Not content, some have latterly taken to rounding out the figures to 3000 years. With such methods, any line can be kept unbroken.

For the 250 years immediately preceding the arrival in Japan of Americans in 1853, the emperor was practically forgotten, except by one or two scholars, and the land was ruled in his name by a military dictator called a shogun. Then came the day when the Western strangers knocked at

the door. An upstart little Republic across the Pacific, needing coal, demanded the rights of nations, and with black ships puffing smoke forced the Hermit Kingdom to yield. For a number of years the country was in confusion, in terror. Its shogun in Tokyo was weak and helpless; there was no authority in the land. Hurriedly a few young men rushed out into the world, whither for three centuries Japanese had not been permitted to go, hunted about for political forms, examined the governments of Europe and America, and returned convinced that the German system was the most suitable. But how amalgamate the divergent elements? The answer came promptly. The Emperor! The Emperor, almost forgotten, young and inexperienced, would be the unifying force. But the people had almost forsaken Shinto, the emperor-worshipping cult, in favor of Buddhism. Well, revive it. And revived it was. So for sixty years, this theology has been spoon-fed by prime ministers and the government, has been given oxygen by a mechanical pressure which few states have ever dared to exert, until it has now become a first-class religion, wielding power over nearly two hundred million people. From a mere figurehead, forlorn and forgotten except by a few, or at most regarded by the masses as a vague deity, the Emperor has grown with his Empire; the cult of which he is the titular deity, whose simple shrines and temples had represented the pathetic faith of a primitive people, has been turned into a state religion. And to the man who, by strange chance, is also a god, has been given wealth beyond the dreams of avarice. It is as if Jesus Christ had founded a kingdom and a family, and had left heirs whom a great modern power regarded as Emperor and Pope and whose destiny its people devoutly believed to be the rulership of the earth.

There is, of course, an intrinsic capacity in the Japanese commensurate with this modern passion for patriotism. No doubt, having come later into the capitalistic world, Japan was able to make the transition from feudalism to industrialism with less confusion; but this she was able to do largely because of the semi-fascist, semi-communistic philosophy inherent in emperor-worship. The Japanese government has a constitution, but it is the gift of the Emperor. Whenever translations are made of the Constitution or even of the Imperial ordinance dealing with the coronation ceremonies, the words "The Emperor shall" are used. "Then the Emperor shall leave the hall" and so on, but this is a serious error on the part of the translators, almost a grave case of *lèse majesté* for which some one may yet lose his head, for there is no power in the land to make the Tenno do anything he does not will to do. It took a year for the Japanese to accept the Kellogg Peace Pact because implicit in that pact was the pre-eminence of the will of the people. Only last year, Professor Minobe, author of *Essentials of Constitutional Law*, for thirty years a standard text at the Imperial University, and himself a member of the House of Peers, was accused of *lèse majesté* because he holds that the throne is an institution of the nation, whereas the theory of the government is that the Emperor and the nation are one. In this dispute, Baron Eda explained that in Japan "soldiers fight to die, not for the country, but for the Emperor".

The Cabinet is not responsible to the Diet, but to the Emperor. If the Diet declines to vote new appropriations, the budget of the preceding year remains in force, making of political Japan an inclined railroad that can only go up. Yet the steps of petitioners to the throne are beset with insurmountable obstacles. The Emperor is

never brought into political disputes. The minister who inadvertently does so, loses his political—and sometimes his cranial—head. War and peace are in the hands of the Emperor, and the army and navy are responsible to him alone. Above the Diet and the Cabinet is the Imperial Rescript, whereby laws are promulgated by Divine Will. If this fact is not accepted by the people voluntarily, then all the force of government is brought to bear upon high or low to exact it. Even the most intelligent person, whose essential patriotism is beyond dispute, cannot escape the irrational blows of fate.

In 1889, upon the day when Japan was preparing to receive the Constitution, a liberal Japanese, Viscount Mori, Minister for Education, was murdered. The assassin was promptly hailed as a martyr because two years before, Mori had defiled the sacred shrines at Ise by carrying along with him, as he crawled to the altar, a walking stick. In 1918, the attempt upon the life of Yukio Ozaki was a repercussion from the campaign in which he had said: "Suppose you dreamed that Japan adopted a republican system of government, a Mitsui or a Mitsubishi would immediately become the presidential candidate." He was forced to resign from the Cabinet and the Ministry fell. In a touching valedictory, written in 1933 in London because he felt it was unsafe to write it in Japan, Ozaki catalogued a long list of friends and colleagues who had been assassinated for no more serious indiscretions. "These were useful public men and their death has greatly hindered the progress of Japan," he wrote. Yet he closed his appeal to the world with: "He who in sincerity would destroy me for love of his country, may also be considered noble."

When this fanaticism fails to take note of foreigners, whose point of view may be

innocently different, the question of international relations becomes involved. In 1891, Nicholas II, then Czarevitch of Russia, was visiting Japan. He was to return by way of Siberia, where ground was to be broken for the new Trans-Siberian railroad. Russia and Japan were tense, but the latter was helpless. The Czarevitch was feted and shown the islands, and taken to Lake Biwa near Kyoto. Pausing at a monument raised on the spot where Emperor Meiji had once stood, he innocently put his foot on the base. From below, a policeman saw the desecration. When the Czarevitch returned to his rickshaw, the policeman slashed out with a sword, seriously wounding him. But for the coolie puller, who threw himself upon the policeman, the Bolsheviks would have had no Nicholas to assassinate, there might have been no Russian Revolution, Russia might have waged war on Japan and clipped her wings before she was strong enough to win in 1905. The complications of this attack on the Czarevitch appeared so serious that the Emperor emerged from his sanctuary to visit the victim, condolences were dispatched to St. Petersburg, and the assailant was slated for a ride to meet his ancestors. But despite the wishes of the Cabinet, the head of the Supreme Court, Judge Kojima, insisted that the policeman be tried by due process of law. The Prime Minister urged precipitate action, the Judge was commanded into the presence of the Emperor, a curtain was drawn aside, and Kojima fell to his knees. Now the meaning of all this was quite clear—but for once in the history of modern Japan the unexpressed wishes of the Tenno were ignored. The fact that the policeman had risked his life to revenge a slight on the Emperor weighed with the country even against international complications.

This, then, is what happens when a country has enjoyed the blessings of dictatorship for a thousand years. Place behind the simple, naïve faith of the people the power of modern machinery, of modern naval and military establishments, of the radio and the press, and the fates produce an international force of incalculable danger. When the creators of modern Japan set out to remake their Empire, they had not the faintest notion of what seventy years would bring. The Frankenstein Emperor-God in modern dress is a power with which they have yet to play safely.

Aware of this, Japan's violent determination to secure unity at home is really an admission of the fear of disintegration rather than real confidence in homogeneity. If in the Emperor as God, the Japanese seek this voluntary solidity, the West need not quarrel with them. But when they use religio-political power for both internal repression and external conquest, when in the name of that power they plan world hegemony, as so many of Japan's outstanding spokesmen freely admit, then must the Occidental nations measure it in relation to every contract entered into with Japan.



THERE IS NO COMFORT NOW

BY V. JAMES CHRASTA

I HAVE seen the winter come and the bent bough's pain,
And the last leaves marking the lower ground
With a strange, discolored stain.

Pity and terror walk wide in the nights again;
Hearing, we stand with our hands locked tight
Back of the windowpane.

We shall be safe, and never more safe than now,
Sleeping the cold, drear nights in comfort,
But aware of the breaking bough;

Aware that no form will stand at the beaten glass,
Weeping the long nights through in pity,
In terror for sounds that pass;

Knowing no heart will break, sensing the brittle cries,
Sensing the spent boughs breaking
Under unfriendly skies—

This comfort we know is not for the living tree,
Though the frost break the bark and the small stem,
We must not hear or see.

A PENNY A WORD

ANONYMOUS

I HAVE killed a thousand men. In the dark alleys of small towns I have way-laid and slugged them; on the foggy streets of sleeping cities I have clubbed and knifed them; in the dens of the tenderloin and the hideouts of gangsters I have shot them in cold blood; on the rolling pampas of the Argentine I have murdered them with my *bola*; on our own Western plains I have fanned my six-gun; aboard ships on every sea, in waterfront dives of every port, in tall city buildings and in quiet suburban homes, I have wrenched from my victims their last agonized cries, watched expressions of incredulity spread across their tortured faces. I have killed all these men in all these places — for a penny a word.

This diabolical career was entered upon willingly ten years ago, yet it is difficult to decide at whose door the blame should be placed. Certainly Sinclair Lewis and H. L. Mencken are not free from guilt: but for their anti-Babbitt cult, which embraced me upon my emergence from college, I would have followed my friends into sedate, established business, and no doubt would now be enjoying the tranquil boredom of a suburb, the pleasant security of \$10,000 a year, and the occasional exercise of golf. Instead, I joined the optimistic literary migration to New York, fleeing all the comforts of home in a quest for self-expression. But the quest led me in a strangely devious direction — into the pages of the pulp-paper magazines whose lurid scare covers I had seen shrieking at me from the railroad newsstands.

The pulps, I learned, dispensed day-dreams to hordes of Americans too unimaginative to dream for themselves. Some five million of these morons paid willingly each month for their canned dreams, and the manufacturers were hard pressed to meet the demand. I heard naught of “craftsmanship”, “atmosphere”, “sociological significance”, or any of the lofty generalities that had enveloped literature, for me, in an awesome aura. I was told that I had only to “get in touch with an editor”, “learn the formula”, and “bang it out”. The greedy maw of the pulp industry would devour all I could write, and thus I would be earning money while I served my literary apprenticeship.

Nothing could have sounded simpler. I would acquire through this hack writing a sense of story construction, an easy facility with words, a valuable working knowledge of public taste, and a confidence that would never come to a lonely garret dweller subsisting on rejection slips. Thus convinced that a pulp apprenticeship was an excellent stepping-stone to artistic fame, I eagerly began mastering the literary craft by “knocking out” stories for the cheap magazines which were springing up overnight.

Facility (of a kind) I certainly acquired, as well as confidence, *i. e.*, the confidence to write blandly on almost any subject under the sun. I wrote sea stories, although my longest boat trip had been from Cape Charles to Norfolk; I wrote stories of war in the air, although I had never been within

fifty feet of a military aeroplane; I wrote a series of pampas thrillers on the basis of reading one travel book; and I turned out Western thrillers without reading any book. When the editors wanted gangster stories, I produced them; and pseudo-science stories, too, and horror stories, voodoo stories, Northwest Mounted Police stories, and even one thrilling gem for an ill-fated publication called *Submarine Stories*. Turning occasionally to the love-story pulps, I would draw backgrounds and characters with regard only for the editors' desires: Broadway or Hollywood, racetrack or polo field, Newport or Shantytown — they all became the same for me.

I have written stories for drunken authors who sold them under their own names; I have had other writers turn them out for me when I was so sick of plots that they tasted like castor oil. I was actually one of the writers in a strange literary chain which has since become a famous gag, to be included in the "pulp play" that every pulpster dreams of writing some day. A friend telephoned me one afternoon and offered a cent-and-a-half a word if I would deliver a story to him by three o'clock the following afternoon, so that he could send it to his regular two-cent market later in the day. By the time I had the plot worked out in my mind, my wife returned with some friends who were to spend the evening. So I phoned another pulpster, offering a cent-and-a-quarter if he would write a story for me by two o'clock the following afternoon. He agreed, but became involved with convivial companions and phoned still another writer, promising one cent flat if delivery of the manuscript was made by noon. For some reason this man gave up the job and at midnight telephoned the original writer with a three-quarter cent offer. The creator of the chain had some fiery and uncomplimentary words for the lot of us, but he sat

down at his typewriter and wrote the piece himself before morning.

This feat, however, was not a record in pulp writing. I once knew a serial writer who retired to his hotel room with several quarts of whisky, and, between late Friday afternoon and early Monday morning, wrote 60,000 words which he sold before noon. Such speed, while it may mean temporary enrichment, binds the pulpster even more securely to his trade. Veteran hacks are addicted to the one-draft method of production; they never even glance at their copy after it leaves the machine. This of course makes a slap-dash style inevitable — and irremediable. Thus we seldom manage to improve our lot by making the better magazines, or slicks, as they are known to the trade. Occasionally I have put aside two weeks — all the time I can spare from the grind — in which to attempt a slick magazine story: but before the fortnight is over I always discover ingrown pulp habits in my work that would require months to eradicate. Then, discouraged by the enormity of the new task and the possibility of no immediate remuneration, I gratefully return to the trough.

There are writers who do escape, but the percentage is depressingly low. A number of current popular authors who once wrote for the pulps act as unwitting decoys to pulpsters, for the latter fail to realize that there has been a vast change in the craft since the early days. The modern pulps are collateral descendants of the dime novel. Most of them have lowered the age-level of their audiences; some appeal frankly to mental juveniles. Published at less cost than their predecessors, while none enjoys the circulation of the old days, their profits accrue from mass production. With lowered financial risks, new companies have entered the field with sweatshop methods and low standards. The pulps are now an industry,

separate and complete, and the breach between them and other literary enterprises has become correspondingly enormous.

The writers who fail to escape face sorry prospects. First, the rates of payment are extremely low: the average pulp pays from one to two cents a word; some less than a cent. A few writers receive more than two cents: they are the successes, and they earn from five to fifteen thousand a year — while they last. But they are surprisingly few in number.

I know I have never made anything like that much money — and I have sold hundreds of thousands of words to almost every important pulp market: *Blue Book*, *Popular*, *Munsey's*, *Street and Smith*, *Standard*, *Dell*, *Clayton*, *Butterick*, *Fawcett*, *Macfadden*, and lesser outfits whose names I have forgotten. My career started ten years ago, and I am still working for the same magazines. My stepping-stone became my highest step. Here I am, God help me, still a pulpster.

II

I struck my stride, in the game of hacking, early. What little there is to learn is apprehended quickly or not at all. The tools of my craft are: (1) an ability to manipulate indefinitely a given number of arbitrary situations into different plots that narrate the same basic story; (2) a knack in diction and prose that gives movement and vividness to action sequences; (3) a certain energy or vitality that endows mechanical concoctions with spurious "life". (I mention this last tool as distinct from the quality which endows all fiction with life, because the pulp writer has fewer symbols of reality to work with, relying chiefly on the vigor of the writing itself.) There is a minimum of luck in selling one's output. There are no log-rolling cliques, no reviewers, no sales pro-

motion, no chance capturing of the public fancy. There are no features to carry the reader; no circulation losses for advertising profit; and but few subscriptions. The magazine's problem is one of cash newsstand sales, depending solely on the entertainment value of its fiction. If a writer's product sells the magazine, his stuff is bought; if the stories don't appeal to the morons, he is out of luck. The check-up on the writer is immediate and final.

An average writer will "make about four markets", or find four magazines receptive to his work. If he sells a 6000-word story to each every month, or one story a week, he will earn ninety dollars a week — in theory. But in practice he will bump into the law of averages in rejections. It is virtually impossible for a writer to turn out weekly stories of equal quality. The myriad human factors which upset his writing machinery — illness of himself or his wife, toothache or eyestrain, moving or vacations, domestic troubles, visits from out-of-towners or friendly dropper-inners, hangovers from parties, the dreaded staleness which visits every writer — any of these will prove sufficient to halt production temporarily or indefinitely. And when production stops, earning stops.

The greatest hazard outside the writer himself is the constant change in editorial policies. A few magazines enjoy something of a stable audience because they are established and have become a habit with readers: but even they must vary their standards to meet fickle public taste. Most of the others are new and depend solely on immediate appeal: they must serve precisely what the pulp-reading public wants at precisely the right time. As a rule these policy changes are of such fine distinction as to be imperceptible to the outsider. But to the writer they are drastic.

For instance, about ten years ago an en-

tirely new type of story bloomed overnight — the war story. George T. Delacorte, Jr., operating a shoestring outfit, was first in the field with *War Stories* and several companion books. He made a fortune and founded a successful publishing house. But the war fever is over now. Delacorte has not a single war magazine, and all of us hack writers who learned the phraseology and background of battlefield horror have been forced to enter new fields of which we know equally little. Adventure stories, once big sellers, now barely support a few long-established pulps. Several years ago the detective story was revolutionized almost overnight by Dashiell Hammett and Joseph Shaw, who introduced the hard-boiled private dick. Deduction in criminology became a blight. Every hero had to be tough and strong, had to bull his way into the accumulation of a few clues mainly by conking and being conked. It was an easy style to acquire and soon developed into a blueprint formula. Unfortunately, the hard-boiled dick is now on the wane and as soon as some bright editor starts a new pattern, we will all have to learn something else.

But whatever the style of the story, the pulp reader has rigid likes and dislikes which must be catered to. In the first place, he objects to any and all characterizations, on the ground that they slow the action. Character mutations are anathema to him: he wants types which are instantly recognizable. In Westerns, the hero is invariably tall and wiry, with eyes that can be blue as the desert sky or twin slits of steel. He is grim but he can laugh, usually just a quirk on one side of his tight lips. He pronounces doom in colorful terms and can deliver it with fist or six-gun. The villain must be large, florid, and powerful, or the small, crafty type; he is sneeringly boastful and possesses no trait to endear him to society. The sheriff is either a henchman of the

villain, or the old-school, fast-shooting lawgiver. The reader must be able to identify each on his first appearance.

In detective fiction it is much the same. A novelette was once returned for revision to a successful pulp writer because it contained two leading characters who, the editor said, diffused the interest. One was a plodding, honest young lawyer, the other a suave magician: the first used his fists as defense, the second his mystic powers. The writer was ordered to rewrite his opus, playing down the lawyer and building up the magician. The novelette comprised 20,000 words, but in two days the author returned it, rewritten: he had given the lawyer's scenes to the magician by the simple process of transposing their names. In the climax, when they were both fighting in an underground hideout, the magician also was given the lawyer's fists — again by a substitution of one name for the other.

But the most important variations are to be found in the plots. Strongly plotted stories, developing complicated situations that build genuine suspense, must keep their situations as plausible as possible; they demand but little action and this must appear credible; the idea is always primitive. On the other hand, in the story with enough plot only to hold sequences of action together, the situations are implausible, the action wild, bloodthirsty, and often ridiculous. We have to watch the constant contrast in emphasis between these two extremes of plot. In the writing itself the flux is from simplified, straightforward pulp-prose to an effusion of hyperbolic clichés. As for the taboos of editors, they are multiple and varied. Yet with all these variations, changes, and taboos, we must be glibly familiar. When a magazine's policy changes we must adapt ourselves to another. Always it is difficult, sometimes impossible. At best we lose time and momentum.

Of course there is one feature of policy change over which we have no control — the mortality of editors, which is high. For each editor has personal, idiosyncratic preferences or hates, usually too petty to make public. A pulpster must be familiar with these. When he is so aware, he will have a “swell market with So-and-So”. But when that editor is bounced, the writer will have to build up another. Frequently he will not again be as successful as with Old So-and-So. In such ways are writers killed off through sheer wear and tear.

The pulpster does not earn more money by trying to secure higher rates: he must do it by selling more words. The damndest lure ever devised for committing a man to suicide is the contract for a monthly book-length novel which may pay as high as \$1000, or as low as \$300. Some authors write one, some two a month. But at the rate of twenty novels a year, it is obvious that only giants can last. And there are few giants.

Without the book-length novel bait, a writer going at full speed will produce a million words a year. This incessant output of imbecilic rubbish is ruinous. Even a congenital pulpster, whose brain is not affected, becomes mechanical. His sole object is to turn out the stuff rapidly; any pride in craftsmanship is lost. Naturally the springs of energy dry: the mechanical concoctions become tired and dated. Then the writer descends the scale of rates and magazines until he is supplanted by younger men. Because of this influx of enthusiastic newcomers the relatively steady seller is always crowded by rivals. As an average writer, I have no security. I can never pause to rest. No matter how I feel, I must keep at the machine in relentless, merciless, deadening toil. The toll on my energy will be inevitably fatal to my work, as it has been to others. Added to this, making my future more uncertain, are those minute variations

I have mentioned. They are cumulative, and over a decade prove tremendous. As I grow older it will be progressively more difficult for me to adapt myself to new policies. Past forty, it will be as hard to learn a new approach as for a ham comedian of the same age to become a dramatic actor.

III

Except for the outstanding successes, we pulpsters have not earned enough to secure our years past the point of diminishing utility — and no one has ever advocated old-age pensions for writers. Certainly the desk offers us no sanctuary, for the plight of the editor is equally gloomy. Several times I have sought refuge from the writing strain in an editorial office. As assistant, or editor of one or more magazines, I have worked for the companies I sold to, and have bought millions of words for them. I’ve had magazines fold under me. I’ve seen young hopefuls enter offices for jobs with the same delusions that snared me. They see the pulps as the fringe of their desired world, the passageway to the land of literary self-expression. They tell me of the prominent magazine editors who have served pulp apprenticeships, but they will not listen in turn when I tell them of the very few who escape.

For the pulp editorial worker is trained for pulps and nothing else. These magazines are an entrance to a blind alley, a stepping-stone to oblivion. The editor lacks even the advantage of the writer’s mobility and whatever satisfaction may lie in individual creation. Hence his obscure slavery in the privies of literature is even more ignominious, and the volume and incessancy of his pulp impressions more stultifying. Such men edit in the same mass production manner in which their authors write. Most

of the staffs are small. If a magazine is edited by one man, he will be without assistance, and will produce the book singlehanded, from reading manuscripts to checking foundry proofs. He writes his own blurbs for forthcoming features, his own advertising copy for house magazines. But usually he will have two or more magazines, and assistants. One man I know edits more than ten magazines at the same time.

Publishers as a rule prefer young men as editors. Their enthusiasm and fresh ambition will more than compensate for lack of experience; they will work for little, and are capable of great effort. The older editor is less adaptable: by the time he reaches his middle forties, even though a congenital pulpster, he can hardly retain judgment, discrimination, and enthusiasm for new policies, after reading the billionth repetition of the same hoary asininity. The fine edge of enthusiasm and freshness has been blunted forever, usually during his apprenticeship as an assistant. There not only must he read several hundred stories a week, but out of the selected group he must edit copy on those already purchased; later he reads proof on them and, as a final test of his love for his work, checks them in foundry. Try that process on even your favorite author sometime, and imagine the effect of ten years of tripe.

But the doom awaiting younger men in some way could be forestalled if there were not the ever-present specter of losing the job. Every change of policy means a new editor; every poor guess by a publisher means a new editor. Whenever a magazine which the publisher thinks should sell, fails to do so, there is an immediate cry for an editorial shake-up. The incumbent is fired, usually with brief notice. The assistant's plight is even worse. The first cut in overhead expense falls on him. He does the dirty work, and derives no glory; often the

editor jealously guards the door of the publisher's office against any bright ideas of his underlings. And the editor is the only one who knows the value of the assistant's work. The latter's outlets for advancement are only two. If he has stuck to his poorly paid, humble, and harrowing post long enough to bring himself into the publisher's consciousness, he may get a chance at the editor's job when the editor leaves; or else, by a fortunate contact, he may make a connection elsewhere as editor. Or, finally, he can do what I have done several times — abandon his grimy security for the uncertainty of free-lancing. But assistant or editor, the mortality is high, the risk great, the pay poor. I saw a man come in one day, arrange his desk, gather supplies, and dictate letters announcing his new connection. The next day he was fired.

The assistant starts at \$25 or \$30 a week, rarely achieves over \$50, averages \$35. The editor begins at, say, \$45, rarely earns more than \$100, averages around \$65. His reward is that if he slaves diligently and is fortunate, he may not lose his job. The pay is not commensurate with the training and ability brought to the job, and the responsibility invested in it. Further, when a house is extremely successful, the editors of the magazines are not paid a fair proportion of the money their ability has earned. Publishers assert that salaries are low because of the nature of their investment. And it is true that profits are slim on single magazines and depend on mass production. The cost of the average pulp is around \$5000 on a print order of 125,000 copies. This figure varies to a low, in some cases, of \$3500; and to a high of \$7000 or more. A ten-cent magazine, which grosses the publisher a little better than six cents, must sell 85,000 copies to break even: if it sells 100,000, the publisher nets \$1000 an issue. Four months of the year are poor ones for newsstand sales;

in this period half the yearly gain may be lost. Thus the publisher may pocket about \$4000 a year on a fairly good magazine. But one issue of a flop will wipe out the margin, as will yearly returns on an unpopular magazine. Therefore the wise publisher carries from six to a dozen titles. If he publishes say five, the losses on two-fifths will counter-balance the profits on two-fifths: the remaining one-fifth, selling perhaps 200,000 a month, will net him from fifty to one hundred thousand dollars.

Why does he not eliminate his unprofitable pulps? Economics. The more magazines he prints, the less the overhead on any one. Paper and printing and office and editorial costs are all reduced proportionately. The more magazines one house issues, the better authors it can procure, because more of their work can be purchased. It is worthwhile to carry a magazine which only breaks even, in order to procure exclusively for the successful books the work of several popular authors. Also, bulk circulation wins favoritism from the distributor, and can procure from advertising as much as \$25,000 a year net profit.

And then there is always the danger of the lead magazine going into a decline. Many of the recent big successes are now dead. The publisher must have a sound business, producing at least a small profit, to carry the house while a new winner is being developed. Hence his ruthless attitude toward his workers.

But editors, young or old, with wives and children, do not view the loss of their jobs in the broad economic aspect. I have seen them go from job to job, each becoming warped after his own fashion, each cursing pulps in his own dirty, dreary cubicle. Hopeful and hopeless, bitter and pathetic, determined and resigned, we are, writers and editors, in the main a cynical lot. We have for too long purveyed primitive day-

dreams which do not develop the brain or ennoble the character. The best writers and the best editors are those whose cultural level most closely approximates that of their readers. But unfortunately, there are a number of toilers in fiction's back-alley, particularly among editors, who are not morons. I know a classicist in the pulps who retires to his exquisite apartment after his day's labors, and reads Santayana over a glass of Madeira. He is past fifty, a life-hater, a reviler of aspirations. He is, I admit, something of an extreme — chiefly because he has lasted so long. But twenty years from now I will count myself fortunate if I have accumulated an apartment with Madeira and Santayana, and have retained enough sanity to appreciate them. . . .

Some of my colleagues have become resigned, turning to esoteric literature or gin for solace. Others have become resigned without a solace; fear rules their destiny. They are a servile, pitiful lot. Some have become embittered and, deliberately layering their souls with callouses, are striving to get all they can out of it while they last. Others have distorted themselves into an unhealthy adaptation, by turns deluding and reviling themselves. They defend their positions fanatically against outside attack and bemoan their fate amongst themselves. I myself am one of a group of writers either unadaptable or unresignable, all of us grimly determined to fight our way out. We do not allow a pulp-paper magazine in our homes; we refuse to talk shop; we make every effort to forget the whole business when we cover up the typewriter. Our group of mal-adapts is not typical, however. I know many men who are still young enough or stupid enough to believe they are serving an apprenticeship out of which they will graduate into better work. I know others (of a relatively small group) who have

found their ultimate career in the pulps and who actually give themselves airs of importance on the basis of their achievements. The largest single group is composed of congenital pulpsters: but they, too, are dissatisfied; even though fitted by mentality and temperament for pandering rubbish, their desire for security makes them uneasy for the future.

What finally becomes of worn-out pulpsters is a mystery into which none of us dares delve. We prefer to believe that somehow we will beat the game. We are occasionally encouraged by literary contributions from our more erudite friends, on newspapers and in advertising agencies, who believe they can write salable pulp stories any time they are pressed for money. But the most illiterate hack would be ashamed of what they turn out. For success in the pulps is not, as many think, a matter of "writing down".

That is the real tragedy for us who came

to the pulps for training. While we are writing this daydream in which some potential two-fisted barroom fighter or glamorous captivator or gunslick bronco-buster can identify himself, we must believe it at the moment. We must inject some enthusiasm to give it false vitality and spurious reality. It is working oneself into this alien mood, this primitive emotional and cerebral pattern, that poisons the brain like a drug, atrophies the perspective, and dulls the spirit.

And yet I myself have become a dependable purveyor to those five million morons who pay a few nickels each month for their mechanized dreams. I am one of the camp-followers of the writing profession, the rag-tag and bobtail of the fiction parade, who, for a bare subsistence, scavenge in the garbage heaps of literature. I am one of those disillusioned hack authors whose hopes lie somewhere back in the dim golden years when everyone believed in self-expression.



WINTER SONNET

BY TOWNSEND MILLER

THINKING all winter in a quiet place,
 From long interrogation of the stone
 I see that such perfection never was
 Except it be unuttered and alone.
 Brave hearts who speak but braver at the last
 Who keep in silence the sufficient word
 And learn of snow that eloquence is most
 When the full hour is inner and unheard.

O whiter muse, take refuge in the rock
 And dream the ages out with marble eyes;
 Dwell here for ever by the endless sea
 Whose wave no moon shall lift nor tempest shake.
 Yea, here in peace and casual of the skies
 Compose your wing against eternity.

SAD DEATH OF A HERO

BY PAUL Y. ANDERSON

RHEA COUNTY COURTHOUSE nestles in the lap of a fat and luxuriant Tennessee valley, flanked by green, flowering hills. Its red brick walls are dingy with age. Giant maples canopy the generous lawn. An ordinary summer afternoon discovers a few farmers and fruit-growers loitering in the shade, discussing crops and the relative merits of Brown's Mule and Picnic Twist for chewing. Teams doze at the hitching rail. The atmosphere is lazy and restful. The main excitements in prospect are the county election and the annual Baptist revival.

But on a crude platform erected in the center of this rustic lawn was enacted one of the most memorable dramas of modern times. The date was July 20, 1925. The event was the cross-examination of William Jennings Bryan by Clarence Darrow, in the closing hours of Tennessee's celebrated Monkey Trial. It was the best story this writer ever covered or ever hopes to cover. The entire business lingers in memory as the perfect answer to a reporter's prayer. It had everything.

The issue was the centuries-old conflict between science and religion, and over that issue two old men, each recognized as the champion of his respective cause, met in what proved literally to be a battle to the death. Two old men, both burdened with age and honors, but each at the peak of his powers. One, eloquent, magnetic, passionate; three times his party's candidate for President, and still

idolized by millions. The other, cold, impassive, profound; the greatest criminal lawyer and the most invincible debater of his generation. Upon that rough platform they grappled, and as implacably and impersonally as a rock crusher closes upon the yielding chunk of limestone, one old man ground the other to ignominious dust. It was stirring and it was pathetic.

Early in the spring of 1925, a bill had been introduced in the lower house of the Tennessee General Assembly, thus:

Be it enacted by the General Assembly of the State of Tennessee; That it shall be unlawful for any teacher in any of the universities, normals, and all other public schools in the State, which are supported in whole or in part by the public school funds of the State, to teach the theory that denies the story of the divine creation of man as taught in the Bible, and to teach instead that man has descended from a lower order of animals.

The sponsor of this measure was one John Washington Butler, a farmer by vocation and a reformer by avocation, and anyone who studies, or even observes, its grammar, syntax, and verbiage, will be disposed to accept his stout claim that he composed it all by himself. Its extraordinary lack of legal exactness and definition was, in fact, the principal target of the attack afterward made on it. For it did become law—in precisely that form—on March 21 of the same year. No one was more surprised than John Washington Butler by the furore which ensued.

On the outskirts of Dayton resided Dr. George Rappleyea, a chemist and a "furriner". As a scientist he was interested in the new law. Among his friends was John Thomas Scopes, a youthful biology teacher in the Dayton High School. Rappleyea ascertained that Scopes was using a textbook which might be construed as violating the statute—providing the statute could be construed. Next he ascertained that the American Civil Liberties Union would finance a test case, and he persuaded Scopes to serve as the guinea pig. Finally, by prearrangement, he swore out a warrant, and the 24-year-old pedagogue was indicted for teaching evolution.

Up to now the affair had been purely local and entirely friendly. Most any evening would discover the prosecutor, the prosecuting witness, and the defendant gathered with other local lights over their "cokes" and vanilla milkshakes around a table in Robinson's drugstore, chuckling about the cozy little tableau they were planning to stage. But they failed to reckon on the alertness of the press. Within a week the story was on the front page of every metropolitan paper in the country. Inside a fortnight the townspeople were startled—and somewhat flattered—by an invasion of reporters from New York, Chicago, Baltimore, St. Louis, Washington, and Cleveland, to say nothing of points South and West. William Jennings Bryan, never one to shrink from publicity, had been in virtual eclipse since the preceding year, when delegates and visitors to the Democratic National Convention in New York jeered him off the stage at Madison Square Garden. The presence of so many reporters at Dayton drew him as fried chicken and apple pie draw a Methodist circuit rider. Although his talents as a prosecutor were relatively untried, he lost no time volunteering for

the State. Clarence Darrow and Dudley Field Malone, no shrinking violets either, promptly rallied to the defense. And the stage, which had been arranged for a bucolic farce, became the setting for a drama which was to fascinate the civilized world.

The presiding judge was John T. Raulston, a local product who afterward lectured for the Ku Klux Klan. On the opening day of the trial he revealed his judicial balance by announcing that each session would be opened with prayer. When Darrow, after listening to a couple of these fiery fundamentalist harangues, protested, His Honor exclaimed that surely "Colonel" Darrow would not deprive the court of divine guidance. Subsequent events indicated that the court had properly appraised its own needs.

Although the jury played an inconspicuous part in the trial, an intimation of the atmosphere in which the case proceeded is afforded by the following excerpt from Darrow's examination of Mr. Jim Riley, who eventually became Juror Number Three:

Q.—You have heard that Scopes here has been indicted for teaching evolution?

A.—Yes, sir, I have heard that.

Q.—Have you no prejudice against it?

A.—I don't know the man—wouldn't know him if I met him in the road.

Q.—Do you feel that it is a wrong teaching?

A.—Well, I haven't studied much about it.

Q.—Ever hear any sermons on it?

A.—No, sir.

Q.—Ever hear Mr. Bryan speak on it?

A.—No, sir.

Q.—Ever read anything he wrote about it?

A.—I can't read.

Q.—Then you can be a fair juror?

A.—Yes, sir.

The Court—Take a seat in the jury box, Mr. Riley.

If the twelve good men and true accepted jury duty in the expectation of having front-row seats at the big show, they were doomed to sad disappointment, for they missed practically all the fireworks. The defense had summoned a formidable array of scientists from the leading universities of the country, and would place, say, a Harvard professor of geology on the stand, offering to prove by him that the earth is millions of years old; Judge Raulston would rule the testimony inadmissible, whereupon the defense would demand its undeniable right to place the testimony in the record for the purpose of showing the higher courts what it would have proved had it been permitted; Judge Raulston would excuse the jury, and the professor would proceed to give his testimony in affidavit form. And so with the noted anthropologist, the famous paleontologist, the eminent archaeologist, the celebrated philologist, and the illustrious ethnologist. All testified, and virtually everyone heard or read their testimony except the luckless jurors.

It has been charged that, throughout the trial, the defense attorneys were merely putting on a show. There is some truth in the charge, in the sense that the defense appreciated that the moral consequences of the case transcended its legal outcome, and therefore strove to dramatize the whole business. But it should be remembered that, under the Tennessee Constitution, a statute to be valid must be plain in its meaning, and must be "reasonable". The defense seized avidly upon this point. The statute prohibited the teaching of any theory which "denies the story of the divine creation of man as taught in the Bible". But, asked the defense, what does the Bible story mean? Everyone, the defense pointed out, is free to interpret the Bible story as he chooses, and almost

everyone gives it a different interpretation. The effect of this canny piece of strategy was to force the prosecution into the position of holding that the Bible means exactly what it says—in short, that it must be interpreted literally. Whereupon the defense undertook to show that a literal interpretation reduced the Bible to absurdity, and invalidated the statute on the ground of "unreasonableness".

II

Throughout the early stages of the trial Bryan had fared badly enough in his clashes with Darrow—on the stump undoubtedly he would have shown to better advantage, but in the infighting of the courtroom his brief flurries of oratory were ineffective against the biting sarcasm and corrosive wit of his opponent. But it was not until the beginning of the afternoon session of July 20 that the duel finally approached its climax. On that day, as soon as the principals had arranged themselves on the outdoor platform, and the 125 visiting correspondents had settled down at the long makeshift press table, Darrow startled the gathering with the announcement that he desired to call Bryan as a witness for the defense. Judge Raulston's eyes goggled, and the Com-moner's palm leaf froze in his hand.

"For what purpose do you desire to examine Colonel Bryan?" inquired the Judge.

"We are calling him to testify as an expert on the Bible," was the reply. "For years he has syndicated a weekly Sunday School lesson in the newspapers and religious periodicals. His reputation as an authority on Scripture is recognized throughout the world. We do not believe anyone, including Mr. Bryan, will challenge his qualifications."

Attorney-General Stewart, who had shown himself a thoroughgoing witch-burner from start to finish, but who nevertheless was a cagey trial lawyer, protested bitterly, and Judge Raulston solicitously asked Bryan whether he objected to being a witness. Thus, all unwittingly, he put his hero on the spot. On the grass below the platform a thousand fervent fundamentalists were waiting prayerfully for the Great Man to demolish the Infidel Darrow for good and all. The correspondents of a thousand newspapers were poised to tell the world whether Bryan had accepted or declined the challenge. He had no choice. The Judge could have saved him by ruling flatly that his testimony was inadmissible. But, doubtless, the court still believed—indeed, said—that Bryan was quite able to take care of himself. And thus the Commoner went to the slaughter, propelled by circumstances which had got beyond his control.

His task was plain enough, but its accomplishment was terribly difficult—nay, as events proved, impossible. Unless he was to undermine the State's position fatally, he must hold resolutely to the doctrine that the Bible should be interpreted literally. Otherwise, it was open to anyone's interpretation, the statute was meaningless, and the cause was lost. Darrow had planned his attack carefully. In the Bible which lay before him, he had marked off dozens of highly allegorical passages, mostly in the Old Testament, such as the story of Eve and the Serpent, Noah and the Flood, the Tower of Babel, Joshua and the Sun, and Jonah and the Whale.

To the opening questions Bryan responded with a series of stout affirmations, in which he was repeatedly encouraged by the fervent "Amens" of his supporters in the audience—it would be more accurate

to call it a congregation. But under Darrow's withering fire he gradually became desperate. Cornered, tormented, wounded in his pride, he fought back spectacularly, at times rising from the witness chair to harangue the crowd. He hurled the epithet "atheist"; he shouted that he was "fighting for God's Word"; he stirred his hearers to roars of approval and tempests of cheers. Darrow remained cool, cruel, contemptuous. And in the end, to the utter dismay and consternation of his supporters, Bryan wilted and virtually conceded defeat.

Darrow began with Jonah. "When you read that the whale swallowed Jonah—do you interpret that literally?" he asked.

Bryan replied: "When I read that a big fish swallowed Jonah, I believe it. I believe everything in the Bible should be accepted as it was written. I believe in a God who can make a whale, and make a man, and make both of them do what He pleases."

"Now, the fish swallowed Jonah, and in three days spewed him up on dry land," proceeded Darrow. "Are you prepared to say the fish was made especially to swallow Jonah?"

"The Bible doesn't say, so I am not prepared to say," came the answer. "Let me add that one miracle is just as easy to believe as another."

"It is for me," Darrow grunted.

"It is hard for you, but easy for me," Bryan rejoined.

"Would it be easy for you to believe that Jonah swallowed the whale if the Bible said so?"

"If the Bible said so," was the firm reply.

"The Bible says Joshua commanded the sun to stand still for the purpose of prolonging the day. So you believe that?"

"I do."

"Is it your belief that the sun went around the earth at that time?"

"No, I believe the earth goes around the sun."

"Well, did the man who wrote that believe the sun went around the earth?"

"I believe he was inspired."

"Can't you answer my question?"

"You cannot measure the length of my answers by the length of your questions," Bryan flared.

"No," Darrow drawled, "except I always know the answers will be longer. But answer the question—if the day was lengthened by stopping either the sun or the earth, it must have been the earth that stopped, wouldn't you say?"

"I suppose so," was the resigned answer, "but I see nothing improper in protecting the Lord from your criticism."

"I suppose He needs it. Now, Mr. Bryan, have you any idea of what would have happened if the earth had been stopped in mid-flight?"

Surprised, Bryan said he had not.

"Don't you know it would have been converted instantly into a molten mass of matter?"

"I believe the Lord would have taken care of that, too."

"You believe the story of the Flood to be literally true?"

"I do, sir."

Stewart, writhing in his chair as he saw how the tide was turning, burst in with a vehement objection to further questioning along this line. But Judge Raulston, still serenely confident of Bryan, overruled.

"I want him to have all the latitude he wants, because I intend to have some latitude when he gets through," interposed Bryan, evidently laboring under the delusion that he would be permitted to cross-examine Darrow in a return match.

"You can have latitude and longitude," Darrow grinned.

"These gentlemen didn't come here to try this case," Bryan shouted to the audience. "They came here to try revealed religion, and I am here to defend it against their attacks."

The crowd whooped encouragement.

"Applause from the bleachers," Darrow remarked.

"From those whom you call yokels," Bryan retorted. "This is the bigotry, the ignorance, of Tennessee. These are the good, God-fearing people whom you insult."

"And you," growled Darrow, "you insult every man of science and learning in the world who does not subscribe to your fool religion."

The courthouse yard was a bedlam. Attorney-General Stewart was bellowing at the top of his voice, like a man struggling to separate combatants. "This has gone beyond the pale of a lawsuit," he stormed at Raulston. "I have a duty to perform under my oath, and I demand that the Court put a stop to this."

"To stop it now would not be fair to Colonel Bryan," was the placid answer of Judge Raulston, seemingly sure of a turn for the better.

Darrow plodded on.

"Mr. Bryan," he said, "the Bible says every living thing that was not taken on the Ark with Noah was drowned in the Flood. Do you believe that?"

"I do."

"Including the fishes that were left behind?"

Bryan winced, but replied: "It says every living thing, and I am unwilling to question it."

The thought of fishes being drowned startled the loyal fundamentalists. They glanced furtively at each other and were

quiet. Asked when the Flood occurred, Bryan consulted *Usher's Bible Concordance*, and gave the date as 2348 B.C., or 4273 years ago. Did not Bryan know, asked Darrow, that Chinese civilization had been traced back at least 7000 years? The sweating witness conceded that he didn't know.

"Have you any idea at all how old the civilization of Egypt is?" Darrow continued.

"I have not," snapped Bryan, flushing.

"Do you know whether the records of any other great religion contain any mention of a flood at the time you give?"

"The Christian religion has always been good enough for me—I never found it necessary to study any competing religions."

Under Darrow's relentless pounding Bryan testified to his belief that all human and animal life now existing on earth was directly descended from the occupants of the Ark, although he could name no scientists who shared that belief. He admitted that he had read very little concerning the origins of ancient religions. He knew nothing about Confucianism or Buddhism, except that a visiting Englishman once told him that "the most important thing about Buddhism is that you don't have to believe anything to be a Buddhist".

Darrow turned to the story of the Tower of Babel.

"Do you believe," he asked, "that prior to that event every human being on earth spoke the same language?"

"I believe that is a fair inference from the Scriptural account," Bryan replied.

"And you believe that all the languages and dialects now spoken on earth date from the confusion of tongues at the Tower of Babel?"

Bryan said he did. He was growing more uncomfortable.

Darrow inquired whether Bryan had any idea how many languages are spoken. Bryan replied he did not, but he knew the Bible had been translated into more than five hundred, and no other book had been translated into so many.

"In all your life," Darrow continued, "you have made no attempt to learn about the other peoples of the earth, how long they have existed, how old their civilizations are, what manner of customs they followed, what religious rites they practiced?"

"No, sir," was the reply, "I have been so well satisfied with the Christian religion that I have spent no time finding arguments against it."

"Were you afraid you might find some?"

"No, and I am not afraid that you will show me any."

"So long as you have Moses and the Prophets, you feel you don't need any other information?"

"I feel that I have enough information to live and die by."

"You don't care how old the earth is, how old man is, how long the animals have been here, or how long life has existed on this globe?"

"I am not much interested in those subjects."

"You have never made any investigation of them?"

"No, sir, I never."

"Mr. Bryan, you have used language all your life, and good language, too. Did you never study the science of languages?"

Bryan muttered that he had not. He had never heard of Max Müller's works on the subject.

"Can you tell us how old the earth is?" Darrow went on.

"I might guess as accurately as the scientists, but I don't care to try."

Darrow asked him whether he could name one scientist whom he respected, and Bryan named a man whom he identified as a teacher of geology "out near Lincoln, Nebraska". Under further questioning, however, he couldn't recall what this teacher taught, although he remembered agreeing with him. Finally it came to him that the teacher held that human life began after the last glacial age.

"When was the last glacial age?" Darrow asked.

"I don't know," answered the laboring witness.

"Do you believe the earth was made in six days?"

"Not in six days of twenty-four hours each."

"Doesn't the Bible say so?"

"I think not," was the reply.

Darrow and the defense stared incredulously, and the crowd sat in stunned silence. Again Attorney-General Stewart intervened desperately, demanding to be told the purpose of the examination. Pale and trembling, Bryan arose, and shaking his fist over his head, shouted in a hoarse voice:

"The purpose is to hold up to ridicule every person who believes the Bible, and I am perfectly willing to have the world know their purpose."

"Our purpose," Darrow grated, "is to prevent bigots and ignoramuses from controlling education in the United States. That is all, and you know it."

Bryan, terribly agitated, was haranguing the crowd. He seemed to have forgotten that, technically at least, he was in a courtroom.

"I am glad to have brought that statement out of Mr. Darrow," he declaimed. "I want the world to know that the affidavits of these scientists were put in here for the purpose of discrediting the Bible.

I am not trying to put anything in the record. I am simply trying to protect the Word of God against the greatest atheist in the United States. I want the newspapers to know that I am not afraid to face him and let him do his worst."

"Your Honor," Stewart pleaded, "it is in your discretion to determine how much of this is necessary to make a record for the Supreme Court. We, as taxpayers, feel that it has gone beyond all reason. They have put in affidavits as to what other witnesses would swear; why not let them put in an affidavit as to what Mr. Bryan would swear?"

"God forbid!" ejaculated Bryan, thus eliciting his first sympathetic laugh from the press table.

But he had wilted. His fire was gone. Succeeding answers to Darrow's questions were given in a resigned manner, and some were inaudible a few feet away. The crowd sensed it, and lapsed into fearful silence. Like the mills of the gods, Darrow continued to grind.

"Mr. Bryan, do you believe Eve was the first woman?"

"Yes," was the faint response.

"Do you believe that she was literally made out of Adam's rib?"

"I do," in still lower tones.

"Did you ever discover where Cain got his wife?"

"No, I'll leave you agnostics to hunt for her."

"The Bible says that Adam and his family were the only people on earth, but Cain got a wife. You don't know where she came from?"

"No."

"Do you believe the story of the temptation of Eve by the serpent?"

"I do, sir."

"And you believe, as the Bible says, that because of Eve's sin all womankind was

doomed thenceforth to endure the pains of childbirth?"

"That is what it says, and that is what I believe."

"And you believe," continued the implacable Darrow, "that God punished the serpent by condemning snakes forever after to crawl upon their bellies?"

"Yes, I believe that," Bryan mumbled.

"Well, just how do you suppose snakes got around prior to that time?" rasped Darrow.

The startled gasp of the crowd was drowned in a mirthful bellow from the press table. It was the last straw. Drooping with exhaustion, unable to control his trembling hands and quivering voice, Bryan got slowly to his feet.

"Your Honor," he said, "I think I can shorten this examination. I will answer all Mr. Darrow's questions at once."

In a final effort he turned his face to the audience, and brandishing clenched fists high above his head he cried hysterically:

"I want the world to know that this man who does not believe in God is using a Tennessee court to cast slurs on Him. I am not afraid—"

Darrow broke in.

"I object to that statement. I am simply examining you on the fool ideas that no intelligent Christian in the world believes."

"Court is adjourned till nine o'clock tomorrow morning," called Judge Raulston, upon whom it had finally dawned that Bryan was not doing as well as expected. Bryan, his palm leaf limp at his side, looked down wistfully upon the congregation. Two or three pastors came forward to shake his hand, but the great crowd of fundamentalists eyed him uncertainly, and slipped away. He looked very tired, and very old. Four days later he was dead.

III

The remainder is anti-climax, but for those who have forgotten or never knew, it may be advisable to tie the tag ends together. Indeed, some deserve repetition for the comedy they provided. The defense having accomplished its objects, and the prosecution being heartily sick of the whole affair, both were ready to quit. There remained the little item of a verdict. Both sides, but especially the defense, desired a verdict of guilty. Since the defense had been permitted to present virtually no evidence to the jury, this seemed a simple matter. But both sides betrayed a strange lack of faith in the perspicacity of Mr. Jim Riley and his eleven colleagues. They even seemed to question the court's ability to make its instructions understood. Hence it was agreed that Darrow and Stewart should address the twelve good men and true.

As the jurors filed in it was plain from their faces that they realized they had been tricked, cheated, and betrayed, and even this final moment of glory could not compensate them for their loss. They shot envious glances at their neighbors in the audience. In the simplest language Darrow explained that the real purpose of the case was to have the constitutionality of the statute tested in the Supreme Court. This end would be defeated if the defense entered a plea of guilty, but it would also be defeated if the jury returned a verdict of not guilty. Therefore, the defense was not asking for such a verdict. This seemed plain enough, but the lawyers were taking no chances with the jury.

"What Mr. Darrow means," explained Attorney-General Stewart, "is that he wants you to find Professor Scopes guilty, so he can appeal the case to a higher court. He can't say so outright, because that

wouldn't be proper, but that's what he means. You don't need to have any doubt about that."

Judge Raulston repeated the same thing in several thousand words, and finally the jurors were told to return a verdict. They responded with magnificent celerity, and Judge Raulston passed sentence.

But His Honor simply could not bear the thought of allowing the great event to end. He asked if anyone had anything to say. Malone thanked the Court, the prosecution, and the community for the courtesy accorded defense counsel. That started something. A man who was not employed by any known newspaper or periodical thanked Dayton and the Court in behalf of the press. A Canadian correspondent got up rather unsteadily and spoke feelingly of the accord between sister commonwealths, thus eliciting lusty cheers for the sentiment of hands across the border. As he sank back into his chair an unidentified man climbed on a bench and thanked Dayton in behalf of all tour-

ists for refraining from profiteering. In bowing, however, he fell off the bench.

It remained for the ineffable Raulston to be caught in one last blunder. When the case reached the Tennessee Supreme Court it was reversed, not because of any element of constitutionality, but because Judge Raulston had fined Scopes \$100, whereas the maximum allowed by law was \$50. This was too much, even for Rhea County, and the wretched Raulston was defeated for re-election. When last I heard of him, he was exhorting the Kluxers in Indiana — and that was several years ago.

They buried The Commoner in Arlington National Cemetery. On that last day, the heavens, to which he had so often lifted adoring eyes and supplicating arms, seemed to close against him. A dismal rain fell pitilessly from clouds so low and black that the street lamps of Washington were turned on in mid-afternoon, as the last note of taps was swallowed by the fog above the Potomac.



AMERICANA

CALIFORNIA

IN THE pages of the academic *Mind Magazine*, one Baird T. Spalding relates a fascinating bit of family history:

My great-grandfather met Emil soon after he first went to India, and became very intimate with him because of an incident. My great-grandfather was in an expedition going along a regular highway. A man rode up and suggested that they turn off the main highway onto another route. My great-grandfather thought this was peculiar but asked no questions, following the suggestion of this man who accompanied them. A few days later the news came that a bandit band had come down on the highway they had been following at a time and place where they would have been had they followed their original course. Because of that incident my great-grandfather kept in touch with the man and my family has kept in touch with him ever since. That man is over five hundred years of age. My family has a record of him for over three hundred years. The records show him to be over five hundred. If a man can live five hundred years he can live five thousand. Emil does not look to be a day over forty.

STARTLING *obiter dictum* from the pen of a gifted columnist on the Los Angeles *Times*:

I do not remember ever to have heard a dirty story told in a newspaper office.

DISTRICT OF COLUMBIA

How the New Deal paymasters handle the citizens' hard-earned money, as reported from Washington to the New York *Sun*:

Although WPA officials are not aware of it, Locke School, at Arlington, Middlesex county, Mass., is about to become one of the most thoroughly renovated institutions of learning in the country. In a forty-page press release of Massachusetts projects that have been officially approved, the following items appear:

On page 7: "Arlington — Renovate Locke School building, \$374."

On page 10: "Arlington — Renovate Locke School building, \$1,202."

On page 15: "Arlington — Renovate Locke School building, \$453."

On page 19: "Arlington — Renovate Locke School building, \$944."

Says the WPA by way of alibi: "State administrators sometimes send these projects to us piecemeal that way in order to get more money out of us. We are supposed to catch these repetitions, but we can't always do it."

ILLINOIS

ART for Art's Sake receives a nasty setback from the Chicago elders, according to the United Press:

Six outraged women artists sat in a borrowed studio today and dabbed viciously with their brushes on their prize canvases.

The girls were painting shorts over the middles of plump nudes. The new decorations on their paintings were really sports shorts such as women sometimes wear when bicycling, but the girls called them "pants."

"Pants" also was what the board of South Park commissioners called them in an order requiring that all paintings of nudes must be clothed before they can be exhibited next Saturday at the open-air art fair in Grant Park.

"No person may go nude in Grant

Park," the commissioners said, "and no paintings may do so either—even in the name of art."

MARYLAND FREE STATE

PONTIFICAL pronunciamento off the chest of the Hon. Howard W. Jackson, Lord Mayor of Baltimore, as reported by the illustrious Baltimore *News*:

George Washington and Abraham Lincoln were, of course, among the greatest men this nation has ever produced. But it is my opinion that posterity will rank Will Rogers as one of the greatest men in America's history.

AN AROUSED Marylander writes in to the conservative Washington *Post*:

The cruel and degrading persecution of the starlings, costing besides pain for the birds and degradation for the human oppressors, much money squandered away annually, is as futile as it is cruel when the increase is not under control. Use that money instead for humane control of the increases in congenial shelters that the birds would eagerly seek of their own accord, and the problem would be permanently and humanely solved.

The former superintendent of parks, Col. U. S. Grant, arranged in an attic in Rock Creek Park a shelter for pigeons, where, in accordance with my suggestions, the increase was thus under control. Along the walls were pigeon boxes and the first time the birds left a box after eggs had been laid therein, the caretaker took the eggs, boiled them and put them back and the birds were pleased to sit on them in a sheltered place till of their own accord they withdrew without disappointment.

Why could not humane societies and bird lovers put a better example before the people by arranging many such places to which pigeons, starlings, sparrows and other birds would fly of their own accord to get relief? Such work would be ennobling, whereas the attack work is degrading and prevents social progress.

MARIE GUNDERSEN.

Brookmont, Md.

MISSOURI

THE respected Charleston *Enterprise-Courier* carefully reports the newest advance in the science of astronomy:

Somewhere in the Bible it says, "Ye shall see signs and wonders in the sky," and, apparently, this is true for at least five Charleston people bear proof that they beheld one of the most wondrous and inspiring sights transpiring in the skies last Wednesday night that probably any human being has ever beheld since that time when Judean shepherds watched by night. Shortly after nine o'clock, Glenn Swank was sitting on the front porch at his home, Mrs. Swank and an older daughter having gone to prayer meeting. Shortly afterwards, they came home, accompanied by Rev. and Mrs. John Fleurdelys, the latter remaining in the car talking a few moments before continuing on to their home. While thus engaged, Glenn says he saw what he thought at first was shooting stars and called the attention of the others to the phenomenon. Directly though, it was apparent that these were not ordinary falling stars, and soon took the shape of angels or giant birds with outspread wings in flight. The even more wondrous aspect was the fact that their bodies, even to the tip of the wings, were illuminated, not with a glowing effect but with a light that brought out their forms in distinct relief against the darkened sky. The forms were several feet apart and passed in quick succession from the west to the east, fading into space one at a time, the lead one disappearing first and so on.

Mr. Swank's report of the unusual happening is substantiated by Rev. Fleurdelys, his wife, and Mrs. Swank, all of whom beheld the sight. Ruth Swank, who had gone into the house ahead of her mother, came out in time to see the last figure before it faded into space. All the figures were flying at a rapid rate.

NEW JERSEY

DISTURBING indication of monarchical tendency in choosing the name of a hotel, from

an advertisement in that Torch of Communism, the *New Masses*:

When in Lakewood, be sure to visit your
comrades at their rendezvous,
HOTEL ROYALE

NEW YORK

How American business executives spend their spare time, as chronicled by the celebrated Schenectady *Gazette*:

Urdaneta Lair, 7, Military Order of the Snakes, held the annual roll call and installation of officers Wednesday night. The officers installed were: Garrett B. Dunbar, Gu Gu; James D. McHugh, Datta; Frank M. Warner, Thrice Infamous Inferior Gu Gu; Daniel Knowlton, Lord High Keeper of the Sacred Apafadham; Caius Weaver, Clarence Burke, John T. Hill and Roy Gessler, Slick and Slimy Keepers, and Daniel Sammons, Grand Gu Gu.

INDICATION that the Comrades are turning against their Big Pal in the White House and may yet bite the hand that feeds them, as versified in the erudite *Daily Worker*:

'Twas Christmas eve in the police station.

W. P. A. workers all were there,

Waiting for checks in hungry prostration,
From Won't-Pay-Anything deal so square.

"Roosevelt's doing all he can," said one.

"Yes, he promised a lot, but what has he done?"

When up spoke a toiler with Daily Worker unfurled,

"We won't depend on promises, in a Worker-Farmer world!"

A COMRADE shamelessly suggests the employment of an old bourgeois idea, in a letter to the same fearless journal:

A father is greatly enthused by Mrs. P. M.'s idea of a baby section in the coming May Day parade. Mr. "T. M." writes: ". . . By next May Day, we will have a six-months-old baby. What an impression it will make to have our future fighters all together in

one section. . . . If we succeeded in having a line of 200 babies in their carriages, children up to three years, it would surely be something to talk about. . . . I think there should be one uniform piece of garment—maybe a white cap for the baby. . . . Of course there should be slogans, and I suggest a large one with 'Our Future Fighters'. And pictures taken of these babies will find their place in many a family album as a memory of his or her first May Day Demonstration."

CONTRIBUTION to the distinguished profession of editing, from a letter by the business manager of *The Spinners*:

Since your work qualifies you, we should like you to become one of our editors, associate editors, or contributing editors, depending solely on whichever office is most suitable. . . . The prestige of *The Spinners* guarantees a staff member a distinguished position in the poetry world. Like other verse journals, however, we require patronage in order to put forth a splendid bimonthly; with our yearly subscription only \$1, this patronage is especially needed. We request, therefore, that the staff assist in this subsidy. Editors are required to donate \$79 yearly towards our budget, associate editors \$39, and contributing editors \$17. Payments may be made in convenient installments, if desired. There are no other responsibilities.

SIMPLE illustration of communist logic, lifted from the columns of the *New Masses*:

Our recent droughts and dust storms are witness to the defeats our capitalist disunity has brought upon us; the extraordinary scientific advances in the Soviet Union are witnesses to the victories possible to planned, collective campaigning.

OKLAHOMA

PRESIDENT Ollie Evert Hatcher, A.B., B.S., M.A., LL.D., of Northwestern State Teachers College, writing in the *Alva Review Courier*, pulls out all the stops, takes a deep breath, and cuts loose:

The college that you see in the sunlight of a summer's day, that is scrupulously guarded by a star-lit heaven by night; located out West where the gentle breezes' lingering caress kiss the colors of no school that surpass it in beauty, held high in the sky on the bosom of the plains, where heaven and earth meet, the college that bewilders all with her glory, and forever steals a warm place in the inner recesses of the heart of sons and daughters of man, that delights old age with the fragrance of the incense of memory, that intoxicates youth with vision, and blesses mankind with a wholesome environment, that gives to Oklahoma strong men and graceful women, and sheds the light of learning on the world no pen can tell the story. Northwestern . . . where, in a money-getting age knowledge is more prized than material wealth; where the poorest pauper might become a mental aristocrat, a prince of learning; where being kind to a little child becomes a fixed habit, respect of old age a virtue; and courtesy a necessity . . . Northwestern should be a mecca, she leavens the loaf of living, to know her thoroughly is to know the beauty and romance of life.

PENNSYLVANIA

THE Public Speakers Society of Harrisburg comes manfully to the aid of timid orators with the following prepared addresses, which may be purchased for as little as five cents a copy:

The Door to Success Is Labeled Push.

Patriotic Address at a Convention (of any kind).

Life Is What We Make It.

Addresses of New President of Woman's Club with Flowery Tribute to Retiring Officers. (Good for any Club.)

A Short Talk by a New Member When Admitted to a Grange.

Address of a Toastmaster at a Stage Hand Banquet.

Ladies' Democratic Speech (A Flowery Address).

Resolved, That the Mental Capacity of Woman Is Equal to that of Man.

Grit and What It Will Do.

Republican Organization (a Good Speech for a Republican Leader).

Are We Coddling Criminals?

Cultivating a Love for the Beautiful through Paintings.

Speech for Retiring President of Kiwanis Club.

Address at Presentation of Prizes to Bowling Teams.

Address at a Banquet of Volunteer Firemen.

Why Did Not America Go to the Aid of France in the Franco-Prussian War?

WISCONSIN

THE New Freedom — with the taxpayer's money — as illustrated Out Where The Votes Are Needed, according to the observant New York *Sun*:

The town of Ojibwa, Wisconsin, has a population of only 293. Despite that, President Roosevelt has approved a project there calling for the creation of navigation pools at a cost of \$16,760, an expenditure amounting to more than \$57 for each man, woman and child in the village. The WPA explains that the purpose of a navigation pool is to provide facilities for canoeing, rowing and fishing. In this way the inhabitants may receive enough to buy the necessary canoes, row boats and fishing tackle in addition to enjoying, presumably, the free use of the pool. The New Deal is spending nearly \$75,000 more on similar navigation pools in three other Wisconsin towns that are so small that even the Rand-McNally atlas fails to list them.

IN OTHER UTOPIAS

ENGLAND

PASSING of a great statesman of the type rarely seen in America, as noted in the straight-faced London *Times*:

The House of Lords has lost, at the age of 91, one of its most picturesque personalities in the Earl of Morton. He had a great gift for silence, and during all the years that he attended at Westminster as a Scottish representative Peer, his voice was never heard in debate.

W. H. HUDSON

BY FORD MADDOX FORD

IN THE days when there were still gods — and that was indeed far away and long ago, for if you ran a thousand years with the speed of the victor of Atalanta you would never discover that vanished place or overtake those receding minutes — in those days, then, there was Hudson. And also in London, in Gerrard Street, Soho, there was a French restaurant called the Mont Blanc where, on Tuesdays, the elect of the city's intelligentsia lunched and discussed with grave sobriety the social problems of the day . . . under the presidency of Mr. Edward Garnett, who has for so long been London's literary — as if Nonconformist — Pope that I cannot remember when he was not. But now and then imaginative writers would drop in at the Mont Blanc and the atmosphere would grow more excited. There would be Conrad and Galsworthy and W. B. Yeats and Mr. Hilaire Belloc and Muirhead Bone, the etcher, and Sturge Moore, the poet, and others that the world has forgotten and yet others whom I have forgotten. Then voices would begin to raise themselves a little. For the thin beer or barley water of ordinary days gave place to a Bordeaux that had never seen the slopes of the Bordelais — a sort of *pinard*, from, I should think, the slopes of the Canton de Vaux in Switzerland but labeled St. Emilion, which is the drink *par excellence* of the English literati and gentry. It was heady, too, and when a little of it had been consumed you would begin to hear the shouted names of Flaubert and Mau-

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passant and Huysmans and Mendès and Monet and Manet and Maeterlinck and Sisley and Turgenev. And if Belloc came bustling in and Conrad was there the noise would grow to exceed the noise of Irish fairs when shillelaghs were in use. Because Mr. Belloc with his rich brogue and burr would loudly assert that his ambition was to make by writing four thousand pounds a year and to order a monthly ten dozen of *Clos Vougeot* or *Château Brane Cantenac* . . . and this to Conrad who would go rigid with fury if you suggested that any one, not merely himself, but any writer of position, could possibly write for money. So they would go to it: you might have imagined yourself for the moment at the famous Thursdays at Brébant's with Flaubert shouting abuse at the young Henry James for speaking disrespectfully of Mérimée, and Turgenev doing his best to divert the thunders from the young American. And then suddenly, in a silence, you would hear the song of birds, the wind in the green boughs of the New Forest in Hampshire. . . .

An immensely long form would be leaning in the doorway that separated the upper rooms of the Mont Blanc and the effect was just the same as that which was said to be produced when Turgenev came into the dining room of Brébant's. After a pause of almost breathlessness we would all of us exclaim "Hud . . . son" — all except Mr. Garnett who, as his discoverer, permitted himself to say "Huddiel!" and Mr. Belloc who, respecting nobody, would permit him-

self to say: "*Tiens, le voilà encore,*" and go on eating his soup. . . .

One day Mr. Belloc was recounting the fabulous legends of his service in the French Army. Mr. Belloc was in those days — as I do hope he remains still — the spoiled child of the fortune-bearing fates who look after the garden of the muses. Orator, poet, tragedian, comedian, censor of manners, guardian of public finances, Defender of the Faith, and Geographer Royal to His Majesty's Army, he was possessed of at least ten birthplaces, thus exceeding Homer. He was also Member for Salford and *enfant trois fois terrible* of the House of Commons. Ah, you should have seen the Mr. Belloc of those days! Well, with his golden, burred, and triumphant organ and with his impassioned gestures that were accompanied by the tinkle of glasses as he swept them off the table, Mr. Belloc was telling what he said to the *adjutant*. An *adjutant* is not the same as an adjutant, but something much worse . . . worse than the toughest sergeant-major you ever imagined. And Mr. Belloc had gone on to tell of how, when on parade, the troop-horse threw him . . . and here Mr. Belloc made as if to disappear under the table . . . threw him with such violence that he vanished into the dust of the parade ground and was not discovered for several days. That necessitated another dramatic interview with the virulent *adjutant*, the charge being absence from parade. . . . Though how, I remember wondering, could he be charged with absence if he was actually present and why, since as we all understood he honored with his service the *Diabes Bleus*, the famous Alpine regiment, could he have been drilling on a horse?

Then Mr. Belloc made as if to emerge from under the table, brushed the hair from his eyes, and with a new voice exclaimed:

"Glorious county, Sussex. Most glorious county in the world!"

Someone made a protest in favor of the Rhondda Valley.

"Nonsense," said Mr. Belloc. Hudson had just come in behind his back. "Sussex, my birthplace. The only glorious county. Glorious. . . . More and more glorious!" and swept his hair in several different directions whilst he drank a bumper of *pinard* from the only remaining flower vase.

All the while, towering above him, with his air of looking into a strong wind, his eyes all screwed up and his beard-point sticking forward . . . all the while Hudson watched that Sussex-born French-mounted Alpinist with the expression of an Atlas Mountain lion, inspecting from a high boulder the gyrations below him of an acrobatic precursor of Mr. Charles Chaplin. I don't mean that Mr. Belloc resembled Mr. Chaplin, but that Hudson looked like a lion looking at that star.

"Glorious county," Mr. Belloc began again. "Not another like it in the world. The Downs, the sea . . . why, when I am in the Midlands and the day is left behind . . . only think . . . you can ride from the Crystal Palace to Beachy Head with only four checks."

Then for the first time the voice of Hudson, solemn like a great bell, boomed across that place of inferior refectory.

"Five!" it said.

Mr. Belloc spun around with intense energy and cried out:

"Nonsense. You're wrong. Four. Four only." And he began with the violence of a man who wishes to mutilate himself to bend back with his right the fingers of his left hand. "There's Cucking and Wucking. And Hitching and Fitching."

"Five." In the deep silence where we all listened fascinated, boomed the voice of the watcher of birds.

"Good God, fellow!" shouted Mr. Belloc with the desperate energy of a strong man

who is being drawn into a bottomless pit by an irresistible force. "You're a Yankee, or a Guatemalan, or a Tierra del Fuegoan; you never came to England till you were ninety-seven. . . . And you propose to dictate to me, a Sussex man. . . . Why, when I am in the Midlands . . ."

That silent, stone figure from Sunday Island continued to lean a little forward with the fixed expression at once good-humored and sardonic of the Atlas lion that is *going* to eat Mr. Chaplin!

"I tell you; I tell all these good people. . . . Only four. . . . There are Cucking and Wucking, and Hitching and Fitching. . . ."

Again the breathless pause. Hudson's level, remorseless voice brought out the syllables:

"West," and after a long time, "Dean!"

A death rattle sounded from Mr. Belloc's throat; he threw up his hand with the gesture of a dying gladiator; his almost maniacal voice exclaimed:

"By God! . . . This man comes from Quilmes in the Argentine. I know all about Quilmes. It is a country of an ineradicable inaccuracy of mind. . . . Yet he comes from there and looks like a don of the sixteenth century and talks to me about Sussex. . . . And I . . . I who was born on Chanctonbury Ring which is the highest point in Sussex; from it you can see the whole of Sussex; I who have galloped a thousand times from the Crystal Palace the sixty miles to Beachy Head . . . with only four checks; I who have hunted the red fox in the storms of winter, the freshets of spring, the torrid heats of summer when the mirage runs all along those Sussex Downs . . . I who was born in Lewes Castle and have never in my life been out of Sussex . . . I, *moi qui vous parle*, must needs forget West Dean!"

My sympathies, I must confess, were all

with Mr. Belloc, for I am equally capable of being inspired with such enthusiasms for certain parts of the earth so that I can work myself up to the belief that, morally at least, I was born there. Indeed, when I come to think of it, in my last book I proved to my own satisfaction — and I am sure to that of my readers — that I was almost born in Arles. . . . And I could do as much for Colmar in Alsace, or Bettws-y-Coed in North Wales, or Vienna, or Cracow. Or even Staunton, Virginia. And no good man can tell how many steps lead up to his front door which he goes down from ten times a day in a complete calmness, much less can he tell how many checks there will be in a good gallop when he is excited.

II

But Hudson had that type of tranquil mind. He once proved to me that he knew better than I what bushes I had in my own hedges, though I had brushed them over and over again and I did not know that he had seen them at all, he having called on me when I was out. And similarly he proved to the Gauchos — who, though they can tell a man from an ostrich at seven miles' distance, are singularly unobservant in small matters and can never be brought to see the difference between an *m* and an *n* — he proved to the Gauchos of the pampas that the grass of the plains over which they galloped all day and the *ombu* trees under which they spent all their siestas and night hours, were not solid masses of green, like billiard cloths or the painted leaden trees that shelter tin soldiers. They had never noticed that and could not see it until he lent them his reading spectacles. Then they fell off their horses in amazement. So Hudson appeared to be full of the queerest knowledges, and as he penetrated into the most unusual and dissimilar places his range of those knowl-

edges was extraordinary and disconcerting and made him a person very dangerous to argue with.

You walked beside him, he stalking along and, from far above you, Olympianly destroying your theories with accurate dogma. He was very tall, with the immense, lean frame of an old giant who has for long stooped to hear men talk. The muscles of his arms stood out like knotted cords. He had the Spanish face and peaked gray beard of a Don Desperado of the Spanish Main; his features seemed always slightly screwed together like the faces of men looking to windward in a gale. He paused always for an appreciable moment before he spoke and when he spoke he looked at you with a sort of humorous anticipation, as if you were a nice cockatoo whom he expected to perform amusing tricks. He was the gentlest of giants, although occasionally he would go astonishingly off the deep end, as when he would exclaim violently: "I'm not one of you damned writers: I'm a naturalist from La Plata." This he would put over with a laugh, for of course he did not lastingly resent being called the greatest prose writer of his day. But he had a deep, dark, permanent rage at the thought of any cruelty to birds.

Hudson was born of American parentage in a place called Quilmes in the Argentine, about 1840, and coming to London in the 'Eighties of the last century, he was accustomed to declare — in order to account for his almost impassioned love for the English countryside — that no member of his family had been in England for over two hundred and fifty years. After his death his industrious and devoted biographer, Mr. Morley Roberts, ferreted out that Hudson's father had been born in the State of Maine about 1814, his paternal father having gone there from the West of England a little be-

fore the Declaration of Independence. On his mother's side he was, however, of very old United States descent. In any case his youth and young manhood had been passed in Spanish-American countries and that no doubt gave him his gravity of behavior . . . and of prose. For he remained always an extraordinarily closed-up person and the legends that grew up about him could hardly be distinguished from the little biographical truths that one knew about him. The truths always came in asides. You would be talking about pumas. For this beast he had a great affection, calling it the friend of man. He would declare that the puma would follow a traveler for days over the pampas or through the forest, watch over him and his horse whilst he slept, and drive away the jaguar . . . who was the enemy of man. He said that this had happened to him many times. Once he had been riding for two months on the pampas, sleeping beneath the *ombu* trees that seem to cover half a county, and three times a puma had driven off a jaguar. It had been a period of drought. For a whole week he had not been able to wash his face. One asked what it was like not to wash one's face for a week and he would reply: "Disagreeable. . . . Not so bad . . . as if cobwebs touched you here and there." You would say that that must have been a disagreeable week all the same and he would slip out: "Not so bad as a week I've known . . . when Mrs. Hudson and I passed a whole ten days in a garret with nothing but a couple of tins of cocoa and some oatmeal to eat."

And gradually it would reach your consciousness, by means of a lot of such asides, that, after he first came to England, there had been a long, dragging series of years in which he had passed through periods of near starvation, trying to make a career. It was almost impossible to realize; he seemed so remote from the usual vicissitudes, with

his hidalgo aloofness and his mind set on birds. And there was no one — no writer — who did not acknowledge without question that this composed giant was the greatest living writer of English. It seemed to be implicit in every one of his long, slow movements.

When his life was nearly done his book *Green Mansions* had an enormous sale in the United States. I was astonished to hear from Mr. Alfred Knopf the other day how great that sale was. It kept Hudson in comfort for the rest of his life. But one never heard about it from him and it made no difference in his manner of living. . . .

He was, at any rate in England, a writer's writer. I never heard a lay person speak of Hudson in London, at least with any enthusiasm. I never heard a writer speak of him with anything but a reverence that was given to no other human being. For as a writer he was a magician. He used such simple means to give such gorgeous illusions. It was that that made him the great imaginative writer that he was. If you read his *Green Mansions* you feel sure that he had an extraordinary intimacy with the life of tropical forests and, indeed, once you had read it you couldn't, when you met him next, fail to believe that he was the child of some woodland deity. You could not rid yourself of the belief even when he snapped at you half contemptuously that he had never been in a forest in his life. That was probably a fact, for he said over and over again that, until he came to London at the age of forty, he had never been off the pampas except to go — but very rarely — to Buenos Aires. . . . And this because of a weakness, real or supposed, of a heart that nevertheless contrived to do its work until he was eighty.

*Buenos Aires — patria hermosa —
Tiene su Pampa grandiosa:
La Pampa tien' el Ombu.*

The pampas . . . that is to say, an immense plain of rolling grassland which has no forest, its only trees being the *ombu*, which, however, in its solitude, appears as large as a forest by itself . . . and Hudson had certainly never been in the hinterland of Venezuela. Nevertheless it was in the hinterland of Venezuela that the scene of *Green Mansions* was laid. But *Green Mansions* differs from Hudson's other masterpieces — *The Purple Land*, *El Ombu*, *Nature in Downland*, and *Far Away and Long Ago* — in that it is a projection of a passion. *The Purple Land* is Romance; it is Romance as it was never before and never again will be put into words. But, like *El Ombu*, its situations are got in by rendering redolences of the soil, of humanity and humanity's companion, the horse, and of man's plaything, woman. It is full of laughter and broad stories and the picaresque spirit and hot youth and reckless fugitive passions.

If I have heard one, I have heard twenty of Hudson's rivals, from Conrad to Maurice Hewlett, or from Galsworthy to the much-too-much-forgotten George Gissing, say that *The Purple Land* is the supreme — is the only — rendering of Romance in the English language; and if I have heard one I have heard twenty say that *Green Mansions* is Anglo-Saxondom's only rendering of hopeless, of aching passion. There was, therefore, as Hudson felt with his sure instinct, no need for localization; indeed, topographical exactitudes would have been the fifth wheel on a coach that was the story of a man's passion for a voice that sang in the green house of a tree's boughs . . . and nothing else. And his instinct for covering his tracks, for retaining a veil of secrecy over his past, was also a motive for setting his story in a wilderness of forest that had never been explored. And no doubt there were material reasons for the change of the

locale because there is also no doubt and no reason for preserving secrecy as to the fact that Hudson had once, far away and long ago, nourished an intolerable passion for a being who had had a beautiful voice and sang from the gleaming shadows of the green mansion of an *ombu*. It had eaten into his life; it had made him take to expressing himself; it had driven him from the limitless plains of his manhood and youth to the sordid glooms and weeping gas-lit streets of . . . Bayswater!

The Purple Land on the other hand was a projection rather of other people's reckless lives in a revolutionary South. He was obviously not old enough to have ridden with Bolivar, but in his boyhood all South America rang with fables of the exploits of the Liberator. And his anecdotes of that heroic theorist were so vivid that you actually saw him galloping a black horse into the smoke from the lines of the Royalists. You saw it yourself and, as not until long after his death was the date of his birth ever established, you thought him a hundred years of age. And it all added to the romantic Hudson legend of the frequenters of the Mont Blanc.

Actually Bolivar the Liberator was an inspiring theorist of liberty, rather than a hat-waving horseman — a thin, nervous, Spanish revolutionary of genius. And his personal ambition was so small that when by the middle 1820's he had liberated the whole of South America from the European yoke and was going on to the founding of the confederation of Latin America, he suddenly resigned his power. He was too sensitive to stand the possible accusation that he aimed at dictatorship. He was born in 1783 — about the year when Hudson's paternal grandfather came to the State of Maine, and died in 1830, eleven years before Hudson was born. But such a man leaves after him such an aura of legends that it was no won-

der that, brought up amongst peons and peasants who had all seen the Liberator in the flesh, Hudson should be able to convey to you the idea that he too had ridden with Bolivar and known the rollicking life of a heroic spurred-and-saddled pampas era.

And it was that faculty above all that made Hudson take his place with the great writers. He shared with Turgenev the quality that makes you unable to find out how he got his effects. Like Turgenev he was utterly undramatic in his methods, and his books have that same quality that have those of the author of *Fathers and Children*. When you read them you forget the lines and the print. It is as if a remotely smiling face looked up at you out of the page and told you things. And those things become part of your own experience. It is years and years since I first read *Nature in Downland*. Yet, as I have already said somewhere or other, the first words that I there read have become a part of my own life. They describe how lying on the turf of the high sunlit downs above Lewes in Sussex, Hudson looked up into the perfect, limpid blue of the sky and saw, going to infinite distances one behind the other, the eye picking up one, then another beyond it, and another and another, until the whole sky was populated . . . little shining globes, like soap bubbles. They were thistledown floating in an almost windless heaven.

Now that is part of my life. I have never had the patience — the contemplative tranquillity — to lie looking up into the heavens. I have never in my life done it. Yet that is I, not Hudson, looking up into the heavens, the eye discovering more and more tiny, shining globes until the whole sky is filled with them. I feel like a woman I heard lately lamenting in Brooklyn. She had spent many years in Paris and had lately returned to that East River *Rive Gauche*. She was at the moment reading Georges

Simenon's *Guinguette à Deux Sous* which itself is a minor work of genius. She read how Inspector Maigret, following a clue, was strolling down the Boulevard St. Michel and down the Rue Guynemer beneath the trees that shade the fountain of the Médicis. And she cried out suddenly: "He has no *right* to write about those streets. They're *my* streets." Similarly, those thistle-seed globes seem to be my globes.

For that is the quality of great art — and its use. It is you, not another, who at night with the stars shining have leaned over a Venice balcony and talked about patinas of bright gold; you, not anyone else, saw the parents of Bazarov realize that their wonderful son was dead. And you yourself heard the voice cry *Eli, Eli, lamma sabac-thani!* . . . because of the quality of the art with which those scenes were projected.

III

That quality Hudson had in a supreme degree. He made you see everything of which he wrote, and made you be present in every scene that he evolved, whether in Venezuela or on the Sussex Downs. And so the world became visible to you and you were a traveler. It is almost impossible to quote Hudson *in petto*. He builds up his atmospheres with such little, skillful touches that you are caught into his world before you are aware that you have even moved. But you can't, just because of that, get his atmospheres fully without all the little touches that go to make them up. The passage that follows I selected by a process akin to that of the *sortes Virgilianae* of the ancients. I went in the dark to the shelf where my Hudsons are kept, took the book my hand first lighted on, and pushed my index finger into the leaves until it stopped on the passage I have written down here. It is from *Hampshire Days* and it is ap-

propriate that it should be about his beloved birds. For Hudson watched birds with a passion that exceeded anything that he gave to any other beings . . . except to Rima of *Green Mansions*.

The old coots would stand on the floating weeds and preen and preen their plumage by the hour. They were like mermaids for ever combing out their locks and had the clear stream for mirror. The dull-brown, white-breasted young coots, now fully grown, would meanwhile swim about picking up their own food. The moorhens were with them, preening and feeding and one had its nest there. It was a very big and conspicuous nest, built up on a bunch of weeds, and formed, when the bird was on it, a pretty and curious object; for every day fresh, bright green sedge leaves were plucked and woven round it and on that high, bright green nest, as on a throne, the bird sat. . . . And when I went near the edge of the water . . .

Don't you wish you knew what came next! . . . And don't you see the extraordinary skill with which the picture is built, and won't that picture be a permanent part of your mind's eye from now on? I don't suppose you would ever take the trouble to wade through rushes to the edge of clear water and stand for hours watching water birds in their domesticities. I know I never should, though I am never happy if I have not wild birds somewhere near me. But I have that picture and know now how water birds comport themselves when, like men after work sitting before their cottage doors, they take their ease in the twilight. And indeed, before I had half-finished transcribing that passage, I knew what was coming. I cannot have re-read *Hampshire Days* since just after it was republished in 1923, a year after Hudson's death. But when I had got as far as "and had the clear stream for mirror" I knew what was coming — the high mound of the moorhen's nest decked out with bright green leaves.

Conrad—who was an even more impassioned admirer of Hudson's talent than am even I—used to say: "You may try for ever to learn how Hudson got his effects and you will never know. He writes down his words as the good God makes the green grass to grow, and that is all you will ever find to say about it if you try for ever."

That is true. For the magic of Hudson's talent was his temperament, and how or why the good God gives a man his temperament is a secret that will be for ever hidden . . . unless we shall one day have all knowledge. It is easy to say that the picture is made for you when those words "and had the clear stream for mirror" are written. But why did Hudson select that exactly right image with which to get in his picture? His secrets were too well protected.

I once or twice went through his proofs for literals after he had gone through them himself and was not feeling well, when I had called to take him for a walk in the park. And you learned nothing from his corrections. He would substitute for the simple word *grew* the almost more simple word *were*. *When the hedges were green* for *when the hedges grew green*, not so much with the idea of avoiding alliteration as because there is an actual difference in the effect produced visually. You do not see hedges grow, but you do see that they are green. And I suppose these minute verbal alterations, meticulously attended to, did give his projected scenes their vividness. I fancy too that his first manuscript drafts may have been rather florid, as if he made in them a sort of shorthand of his thoughts immediately after seeing something that interested him. But I was never able to make out even a few words of his first drafts. From a whole scratched-out page

you can not discern a single whole phrase . . . *As to art my feeling is that* . . . and then three lines scratched out and two illegible; then the words *money value* and, in the middle of the last paragraph on the page, *in August*, and three lines lower *may develop*, which I know he afterwards changed into *may become*, because I saw it in the proofs of the article which he wrote for one of the heavier magazines. . . . And the curious thing is that I can hardly remember at all what the article was about, except that it contained on the side some reflections on the value of the Arts to the public: yet I remember perfectly well his making that change—or rather seeing that he had made that change.

I am glad that the question of Hudson's attitude towards the Arts has come in thus almost accidentally, for most writers about Hudson—and Hudson gave them ground enough for the idea—have written that he cared nothing about the Arts as arts but considered himself, as so many Anglo-Saxon writers do, a man of action before he was a writer. I am convinced that this is wrong. It was with him a sort of humility; he was, as it were, as astonished that the writers of the Mont Blanc should take him seriously as a writer as they were that he should notice anything as dingy as that poor imitation of a Paris *bistrôt* and its occupants. Because one's astonishment every time that he appeared there gave place in the end always to the feeling that he would surely never come there again. But if at the end of three or four hours' conversational labor one had convinced him that he was really a very great writer, he would express a sort of grim and sardonic satisfaction, wrinkling up his nose more than ever and from far above your head letting out humph-humphs and well-wells. And would then

contentedly listen to a great deal of praise. It would go like this:

"It's the simplicity of your prose," I would protest. "It's as if a child wrote with the mind of one extraordinarily erudite."

He would answer: "You've hit it. I've got the mind of a child. Anyone can write simply. I just sit down and write. No doubt what I write about is important. I try to make it so. It's important that the cough should not be exterminated by those Cornish brutes. The cough is a beautiful and rare bird and it's important that beauty and rareness should not be driven from the world. But it's simple enough to write that down."

"You know it isn't," I would protest. "Look how you sweat over correcting and re-correcting your own writing. Look how you went all through *Green Mansions* before it was published again. You took out every cliché. . . ."

"Why, I was a very young man when I wrote the book. It was full of sham genteel words. I took them out. That isn't difficult."

"It is," I said, "so difficult that if you can do it, you become an artist in words."

He exclaimed still violently, but weakening a little: "That's not reasonable. I'm not an artist. It's the last thing I should call myself. I'm a field naturalist who writes down what he sees. *You're* a stylist. You write these complicated things that no one else could. But it's perfectly simple to write down what one has seen. You could do it if you wanted to. With your eyes shut."

I answered: "I can do it for an hour. An hour and a half. Then simplicity bores me. I want to write long, complicated cadences. . . ."

"Well, that's art," Hudson brought out triumphantly. "I told you so long ago."

I said: "It isn't. Art is clarity; art is economy; art is surprise. Hang it, suppose you want to drive an ox. You tickle his hide with a sharpened stick; you don't stand away off from him and flick a fly off him with a twenty-yard sjambok."

He would reply: "I should have thought that that was what art was . . . showing off in some sort of way. But I never want to show off. That's why I'm not an artist. . . ." And I would throw up my hands in despair and begin all over again.

I used to write him tremendously long letters as to points in technique and he would answer them by letters as long. It must have been a nuisance to him. Heavens, the letters I used to write in those days when I was trying to get the English to take some interest in how to write! . . . I have just been shocked by reading in print a letter I wrote about that date to Galsworthy, who was then a neophyte. It occupied three pages of a very large book and the writing is like that of the proverbial *cocher de fiacre*. He bore it like a hero.

But the longest and most voluminous correspondence I had with Hudson was about caged birds. I was then emerging from a nervous breakdown and, acting on the advice of the nerve specialist in Butler's *The Way of All Flesh*, I had had the glass taken out of my bedroom window and replaced by small meshed wire netting and I had let loose in the room a half-dozen African wax-billed finches and parakeets. They seemed to flourish and to be quite happy, and my nerves were immensely soothed by lying in bed and watching them fly about. I won't go into the argument. It was the usual one between bird-lovers and those who find solace from keeping birds in captivity. And finally I brought it to an end by saying that I should keep the birds and go

on keeping them. Besides: what would be the sense of turning African waxbills and parakeets loose in London? . . . At that he came to see me and stumped up the stairs to inspect my bedroom. He looked for a long time at the birds which were perfectly lively. Then he recommended me to have some large mirrors set into the walls with perches in front of them. And to hang about bright silvered balls from Christmas trees, and scarlet ribbons. Birds, he said, loved all bright objects, and the mirrors gave them the illusion, with their reflected images, that they were in great crowds of birds. Then he said: "Humph", and stumped down the stairs and never to me mentioned the subject of birds in captivity again.

IV

Well, that was Hudson the writer. As a great, tall, Spanish-looking man he had his legends of a romantic past; and he had them, as I have said, in the most desperate atmospheres, for he penetrated into the most dissimilar households. You would meet him one afternoon at Sir Edward Grey's, where he was regarded as an impassive don with a past of lashings of women and cavalcades now become a bird-watcher, for Sir Edward Grey, whilst holding the balance of all Europe, loved birds almost as passionately as Hudson. And next day you would meet him at the Mont Blanc where other legends gathered about him. The legends were deduced rather than set about for the most part by Mr. Garnett, but innumerable verificatory details would be added by Conrad, who had sailed the seas, by Charles Doughty, who wrote *Arabia Deserta*, by Wilfred Scawen Blunt, who bred the Arab mares, by Mr. Robert Bontine Cunninghame Graham, who besides being the legitimate

King of Scotland is an incomparable writer of English and an unsurpassed rider of the plains, whether of Maghreb el Aqsa or the pampas itself. And as all these people had about them too the airs of romantic adventures and loves and gallopings, the odd bits of information that they communicated about Hudson enormously enhanced his aura of forests, romantic loves, lianas . . . and a fantastic longevity.

Conrad would dilate with enthusiasm about this *capataz* of the Revolution who had a wife as tiny as he was romantic. "You know," he would say, "she's so tiny that when she stands on the floor she cannot look over the edge of the dinner table. Extraordinary!" And Mr. Garnett would add information about Mrs. Hudson's exquisite voice; about her having been the rival of Jenny Lind and of Malibran of Her Majesty's opera, and of her having wilfully refused to sing a note after he married her . . . so that there was the tragedy of Rima of *Green Mansions* all over again . . . and there was the legend of the Mont Blanc.

And a day or two later you would go and spend a night or two under the thatched roof of his hidehole on Salisbury Plain in that curious long village of thatched cottages where, on one side of the street, all the women were dark as Spaniards and beautiful and blue of eye, and on the other they were all blonde Anglo-Saxons, buxom and high-colored and slow. And there he was, as legendary and as much at home as on Carlton House Terrace and Gerrard Street, Soho, where the imitation French restaurants swarm. . . . There he was, a gypsyish man who had been in foreign parts but knew the pedigree of every shepherd's dog on the Plain and the head of game that every coppice carried and the hole of every vixen

and the way every dog fox took when at night he went ravaging at a distance . . . for the fox never takes poultry near his home. Not he! For fear of retribution. And you may see the fox cubs play in the sunlight with the young rabbits from the next burrow. . . . Hudson had told the villagers that and they recognized how true it was. And he knew all about all the dead and gone folk of the Plain, and all the living good-looking women, and he was a healer who brought you good luck merely by looking at you. . . .

And there that great tall man would sit by the shepherd's table, drinking the terribly strong tea out of the thick cups and eating the fleed-cake and the poached rabbits. And the tiny little black-haired, blue-eyed girls caressing their insteps with their shoe soles and visiting his great gamekeeper's pockets for the candies they were confident of finding there . . . as confident as the tame squirrel of finding nuts . . . and there were always orange flowers in an earthenware mug on the table, the flower that is just a weed in English gardens but is cherished above all others in the winter flower beds above the Mediterranean.

And then the great, long figure would arise, brushing the beams of the cottage ceiling with his hair, and stroll down the broad valley. And stay for many minutes watching the colony of rooks in the trees that still stood a hundred years after the manor house that they had sheltered had fallen to the ground. And so to the station and back to the strangest home of all those that sheltered him.

How the townsman, town born and bred, regards this flower—the marigold [he says in *A Shepherd's Life*]—I do not know. He is in spite of all the time I have spent in his company a comparative stranger to me. . . . A pale people with hurry-

ing feet and eager, restless minds who live apart in monstrous, crowded camps like wood ants that go not out to forage for themselves—six millions of them crowded together in one camp alone! I have lived in these colonies, years and years, never losing the sense of captivity, of exile, ever conscious of my burden, taking no interest in the doings of that innumerable multitude. . . .

His wife then—and it was at least true that in her day she had been a celebrated singer—kept a boarding house. She was twenty years older than Hudson and did not come up to his elbow. And it was more or less true that after her marriage to him she sang very little, because her voice was leaving her. But otherwise she was very normal and quick-witted, if a little quick-tempered and not a good business woman. For all the great money she had earned in her day had gone and shortly after their marriage her boarding house went bankrupt too. It was then that they had known days of real starvation and it is not the least romantic part of Hudson's career, the desperate and courageous efforts he made to keep them going. He was a stranger in London with nothing to earn a living by but his pen; and it is curious to think that one of the ways by which he did earn money was by ferreting out genealogical tables for Americans of English origins. Then he also did hack-work descriptions of South American birds for scientific ornithologists who had never seen a bird. And then magazines began to commission him for articles about birds; his wife inherited a fantastically gloomy house in the most sooty neighborhood of London and a small sum of money with which she set up a boarding house that this time did not fail. And it was touching to see how Hudson made another gentle legend for himself amongst Shetland-shawled old

maids and broken down Indian colonels. And then he was granted a pension on the King's Civil List, and then fame came to him in London and money from New York. And he and his wife lived together until she died, a little before him, at the great age of a hundred years. . . . That too was Romance.

I am ashamed to say that I did not see it at the time and I disliked the atmosphere of the boarding house so much that whenever I could I used to insist on Hudson's coming out with me to Kensington Gardens. He was not a good walker in those days in spite of the fact that he had spent the greater part of his life on his feet, watching birds. We used to pace very slowly up and down beneath the tall elms of the Broad Walk and in front of the little palace, amongst the children of the wealthy. We would watch the gray squirrels that had come from New York and that were monstrously at home in the Gardens, having bitten off the tails of all the aboriginal red squirrels. And he would talk of how the Liberator carried his whip and reviewed his troops; and of the birds and herds and great trees of the pampas, far away and long ago. And *Far Away and Long Ago* is the most self-revelatory of all his books.

I do not think that I would much like to recapture many of the atmospheres of my own past. The present days are better. But I would be glad indeed if once again I could walk slowly along the

dingy streets that led from that Bayswater boarding house to Paddington Station . . . slowly beside Hudson and his wife who would be going away towards English greennesses, through the most lugubrious streets the world could imagine, let alone know. And Huddie would be expressing theories as to the English rain and far below him his tiny wife would be incessantly telling him that he was going the wrong way.

Hudson had lived in that district for forty years, continuing to stay there after fortune had a little smiled on him—because it was near the great terminus of Paddington and they could slip away from there to the country without attracting attention by their singular disproportion in size. In spite of this they never could go to that exit from London without her telling him that he was going the wrong way . . . I suppose because she had lived there for nearly a century. And she would keep on and on at it, bickering like a tiny wren threatening some great beast approaching her nest in the gorse. Her great age only affected her coloration so that she seemed to recede further and further into the mists of St. Luke's Road until she was almost invisible. But her vivacity was unconquerable, and appropriate. It was as if having framed that romantic giant, the force of nature could go no further, and to frame a fitting mate must compound for him that singular and elfish humming bird.



IS PATRIOTISM NECESSARY?

BY STRUTHERS BURT

THERE has never been in history, so far as I can make out, a country equally great as America, whose artists, either willfully or through ignorance, have so misinterpreted it, whose intellectuals, with their mania for being clever at all costs, have so betrayed it, whose mass population, for the most part leaderless, has thought so little about it, or whose businessmen have used it so ruthlessly as an inexhaustible gold mine. In their progress across the continent Americans have marched like Huns, looting and destroying, debauching themselves with easy wealth, treating their country as a sadist treats a harlot. Had it not been for the land itself, its amazing and patient fecundity, its adaptability, its tenacity, long before this we would have arrived at a parting of the ways, forced to choose, as we are now being forced to choose, between good citizenship and the old defiant plundering.

But then, more than any other great nation, with the exception of pre-Soviet Russia, the United States for a long while has presented a puzzling, bewildering, and frequently uncomfortable spectacle, not alone to the sympathetic foreign observer but even more so to those Americans striving to arrive at a just estimate of themselves and of their country. Added to a score of confusing factors—vast size, a sprawling population, immense variations in climate, the intricacies of state and federal sovereignties, the American's determination to observe the outer forms of de-

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mocracy while denying the ideal itself—added to all these, coloring or discoloring them, has been for years a curious and baffling phenomenon, a phenomenon that can best be described as a strange lack in the American mind of that central idea which, in other countries, underlies the mental processes of the intelligent citizen, no matter how varied his personal expressions of that idea may be. A lack of that emotion which promotes a sense of the land, a love of it, apart from whatever generation may be inhabiting it at the moment. A lack of that sentiment which predisposes a man to think of his country as an entity by itself, but at the same time an entity to which he belongs and which belongs to him—an entity that can be, as any individual can be, wounded or healed, honored or disgraced, made absurd or magnificent, not alone by his own small efforts and opinions, but by the efforts and opinions of all those who have to do with the entity. In short, a lack of that tenderness which unexpectedly, suddenly, when alone with the land or when thinking of it in a foreign country, wrings a man's heart.

No sensitive Englishman confuses England with the antics of ignorant leaders. No Frenchman who loves France confuses it with what venal or corrupt Frenchmen may do while in temporary control of events. Even the pre-Soviet artist or intellectual did not misinterpret his country; and the mass of the population as well had

a deep love of Russia, however dulled and inarticulate that love might be. But the Russian upper classes — and here the parallel with America is disclosed — despised their country, considering it to be savage and uncouth, and as much as possible lived away from it and avoided all responsibilities. They only began to love Russia with a bitter tenderness when it was taken away from them.

This then, to sum up, would appear to be the present situation in America: In common with the rest of the world we have suffered the disillusionments of war and the false prosperity that follows always upon war. In common with the rest of the world, or that portion of it with any claims still left to liberal civilization, we suspect and dislike all the cruder forms of patriotism. Yet unlike the other nations, except pre-Soviet Russia, these successive shocks have further damaged a foundation already insecure, a foundation neglected for many generations, and which in the last two decades has been subjected to a continuous and furious bombardment of domestic criticism.

When Dr. Samuel Johnson remarked for posterity that "patriotism is the last refuge of a scoundrel", he knew, as he usually did, exactly what he was saying. What he did not know was that his apothegm, caught up and repeated by Boswell, would be more misquoted, misinterpreted, and misused, and with increasing emphasis, especially at present, than almost any other pertinent saying in the English language. Yet that the apothegm holds true in any period in which aggressive and unthinking nationalism is to the front, goes without saying. And this applies even more to peace than to war, for the villainy of peace is more subtle than the villainy of war. Even sensible men may for a while mistake a scoundrel for a patriot; in such periods

pseudo-patriotism is not only the scoundrel's last refuge, but above all, it affords him the opportunity to use his country for his own disingenuous purposes. No wonder, then, that following periods of national or world disillusion, even wise men and women regard all manifestations of patriotism and nationalism with suspicion. In just so much do they cease to be wise, and in just so much do they join hands with the stupid and, what is more dangerous, with the mal-intentioned as well.

The last thing in Dr. Johnson's mind was an attack upon intelligent patriotism, which, like intelligent Christianity, has not as yet been widely enough tried to be condemned out of hand. Furthermore, the last country in the world that can risk, save at extreme danger to itself, a misinterpretation of Dr. Johnson's axiom is America. No people are so thoroughly prepared to think ill of themselves as Americans. In this we are aided and encouraged by our characteristic love of exaggeration and lack of perspective. Before the American can even attempt to make of himself an intelligent patriot, he must reconstruct in his mind the record of his nation. His pride in it, legitimate or false, has been largely taken away from him. He is today a man without a country, in the sense of a just tradition of his country's past. Where intelligent patriotism is concerned, America, as I have said, has always had, except at its very beginning, a curious and dismaying history.

II

For the first 100 years Americans were pioneers, forced to cultivate pioneer virtues with their attendant vices. Then, as this initial obligation grew less peremptory, for another 100 years — for some forty-five years of colonial history, and

through the Revolution, and, roughly speaking, up to the time of Andrew Jackson — we were a congeries of self-contained, aristo-democratic, landholding provinces or states, each with its peculiar and by no means to be despised civilization. And then, once more, around the fourth decade of the nineteenth century, this comparatively static civilization was disturbed by further visions on the horizon, and as a nation we set out again upon our pilgrimage, a pilgrimage that did not end until 1910, and the influence and traditions of which are still with us to our confusion and misfortune. This is, or should be, common knowledge.

But one of the most curious products of our lack of perspective is the general assumption that America began in 1775. America, as a matter of fact — the eastern portion of it — is more than 300 years old. It began at Jamestown in 1607. Four generations of Washingtons had settled, had prospered, and were leading a spacious and comfortable life before George Washington became a rebel — a reflection which may enhance the vision, courage, and audacity of the modern American. The nation has had, if this interests any one, eight kings and queens, not including a Lord Protector. For good or bad, the American is three centuries old, and whether he is aware of it or not, he can no more escape the impact of those first 150 years than he can escape the impact of the years that followed. Twice in his history the American has been, because he had to be, a pioneer; once in his history, between 1740 and 1840, roughly speaking, he was a political and social philosopher, and also, it should not be forgotten, an artist.

I have said that the influence and traditions of this second epoch of pioneering are still with us, to our confusion and misfortune. So they are. The pioneer is a man

by himself. He is useful and functions well only under certain circumstances, and his mentality and point of view, essential in various eras in history, are antagonistic and dangerous to that settling down, that deep and stark yet tolerant thinking which must accompany emergence into a more crowded civilization. The pioneer is by nature, and of necessity, an opportunist, an individualist, a jack-of-all-trades, a perpetual amateur, an egotist, a scorner of his fellow men; an obstructionist once he has obtained what he wants himself. A quick and not a profound mentality is required. In brief, the pioneer is what the average American has been for the last eighty years, and the point is, the necessity having passed, the American can no longer afford to be such. Between the American of today — or perhaps better, of the immediate past — and the American of the seventeenth century, there is more similarity than between the American of the immediate past and the American of the time of Washington.

Furthermore, until very recently, into the principal stream of American pioneering there have been pouring subsidiary streams of European immigrants, essentially pioneer in spirit. The majority of these people did not join the main body of American frontiersmen, but were content to remain in the cities and along the Eastern seaboard, transforming our cities and the East, just beginning to compose themselves, into semi-barbaric areas once more. It was the vague realization of this necessity for a metamorphosis from pioneer to thoughtful citizen that first turned our honest critics toward a re-examination of American history and toward a scolding of the laggard citizenry. And the guidepost that directed them was the flattering nonsense which, save for a few fine voices like Mark Twain, Frank Norris, Stephen

Crane, and even William Dean Howells, had for three-quarters of a century told the pioneer what he wanted to hear and what, in his busy life, he had leisure to hear. The pioneer lived a certain kind of realism. What he wanted to hear was a fairy tale. But the American critic was also an American, and so to some extent a pioneer himself, and in his honest revolt he exhibited the pioneer's lack of perspective, the pioneer's impatience, his love of exaggeration, his love of newness, and his ability to see everything as black or white. For three-quarters of a century America suffered from indiscriminate flattery; for two decades it has suffered from indiscriminate abuse. For three-quarters of a century America was fed food for children; for two decades, it has been fed food for swine — (I am speaking, of course, only in relation to the point of view of America that has been given). Neither of these diets is sustenance for adult man. No wonder the average American suffers from mental and historical indigestion.

Swinging from the provincial notion that to breathe a word of criticism against America was to commit high treason, the average intelligent American now entertains the equally provincial notion that to say a word in praise of America is to confess himself a mental defective. Nowadays it is only necessary to mention the name of an American pioneer of the land, or of business, to bring a look of pained, or amused, disgust to the face of almost any member of the American intelligentsia, and there is hardly anyone so humble that he cannot commit a nuisance upon their graves. And yet in their times, and according to their lights, these were no small men, and they behaved more or less exactly as the majority of their critics would have behaved had they been born

a few years earlier. At all events, they had courage and imagination, and they did a job, however wasteful, that has enabled their descendants to become moralists, idealists, and — if desired — members of the intelligentsia. There is about these pioneers nothing more shameful, nor more admirable, than there is about the heroes of the Iliad and the Odyssey. That they have left behind a pretty kettle of fish is another matter. Adventurers and pioneers always leave kettles of fish for those who follow them. So, as a matter of fact, do moralists and idealists. So, in truth, does every generation.

Reinforcing the curious American habit of judging men out of their times is the equally curious American tendency to regard anything old, and therefore different, as ludicrous. America is the only country where men who wrote novels in the '80's, '90's, or 1900's are condemned because they did not write like Caldwell, or Faulkner, or Hemingway; or where immediate laughter greets the sight of ancestors upon a motion-picture screen. After all, it was out of the loins of the Gay 'Nineties that most of us were born.

All periods of national expansion are corrupt and ruthless, no matter how much it may suit the purposes of those who live in them to cloak their real intentions with surface morality. There is an apt parallel between the England of Dr. Johnson and the America of the pioneers in all save this surface morality. The outstanding hero of Dr. Johnson's eighteenth-century England was John Churchill, Duke of Marlborough, a hero of whom no virtue, private or public, was asked except the virtue of adding to England's martial, and therefore material, glory. There is an equally apt parallel between the period of America's greatest expansion and the time

of Napoleon, with its swarm of marshals, corrupt politicians, and venal entrepreneurs. But no intelligent modern Englishman is ashamed of English history because of John Churchill, or the thousands like him, or is unaware of the fact that the Churchills, in their own peculiar fashion, added mightily to the sum total which is England. Nor does this imply that the intelligent modern Englishman wishes a return to the lack of morals which made of Churchill a universally popular figure. And I doubt if any civilized Frenchman admires Napoleon as a man, a husband, a citizen, or for what he did to France, any more than he admires Catherine de' Medici as a wife, a mother, or a queen. But all this does not prevent him from regarding both as marked threads in the tapestry of history, as moving, if terrible, figures in the pageantry of France. Marathon is no less glorious because the majority of the ancient Greeks were notoriously dishonest and quite calmly pederasts.

The sensitive American alone has chosen to think otherwise where the panorama of his country, past or present, is concerned, and it is here that the narrow escape from colonialism has played its major role, a role quaintly summed up in the extraordinary inscription on the tomb of Lord Cornwallis in Westminster Abbey: *He defeated the Americans with great slaughter*. It was not until the last war that the American artist and intellectual discovered that this inscription was wrong, and even today numerous members of the upper classes, especially the female members, are still engaged in making up their minds.

But it is safe to say, I think, that the more imaginative American, artist or otherwise, resisted this unconscious, inherited lure of colonialism. During the cen-

tury just past the majority of first-class American artists went into pioneering, where, considering the circumstances, the majority of first-class artists would be likely to go. It is not difficult to prove a connection between pioneering and the material of which an artist is made. By nature the first-class artist, the first-class citizen, is a dogged and passionate man, not to be put off by surface unpleasantnesses or disagreements. Nor is he deluded by the belief that any man can successfully deny his birthright.

To attempt to resign from your country is like attempting to resign from life, or your parents, or a university from which you have graduated. An inescapable fact has occurred, and you must make the best of it. There is only one way out, and that is suicide. I do not mean the spiritual suicide that all expatriates suffer; but actual suicide. And even then your nationality will be written on your tombstone. Nor, when I use the word expatriation, have I in mind the necessity for changing your citizenship which often accompanies immigration, but a mental attitude, which is altogether different.

I would like to dwell a little more on the question of expatriation, especially where the artist is concerned, for it is an important one and germane to the discussion. I have implied that from 1840 onward, the majority of first-class American artists, that is, the men who might have been first-class artists, went into pioneering, and that those who didn't, like Mark Twain and Walt Whitman, stayed at home. I think this can be proved by the inevitable defeat, artistic and spiritual, that overtook the American artist — Sargent, Abbey, Whistler, Henry James, Hudson, Edith Wharton, to mention only a few — who renounced his country; a defeat repeated in the unhappy young

people who in the early 1900's crowded the Left Bank of the Seine and annoyed the French. Less than any other national can an artist afford to renounce his birthright for a mess of pottage, however palatable the pottage may appear to be. If he attempts this spiritual gluttony, inevitably he will suffer a dimming of that passion, that sense of reality, which is essential to the artist. It is interesting to note that Sargent toward the end of his life returned to paint the Rocky Mountains, and that these sketches were his most essential work. You will also note, in reading American history, the curious truncation in American art which occurred during the '40's and '50's of the last century when the frontier began again to engage the talents of the country, a truncation similar to that which all over Europe cut short so many church towers when the Medieval impulse was arrested by the impulse of the Reformation.

Unlike the great Victorian outbursts of France and England, the promise of Washington Irving and Hawthorne, of Thomas Paine and Thomas Jefferson, the promises of admirable schools of architecture, painting, and craftsmanship which, during America's fairly static period between 1740 and 1840, reached a high degree of perfection, were interrupted for almost three-quarters of a century, except in isolated cases. It is my contention that this was not the fault of the American temperament, but the fault of the ever-present epic lure of the frontier, and that because he heeded this lure the American showed himself a better artist than most. The assertion of Van Wyck Brooks, and other critics, that the American artist who stayed at home, resisting both the lure of colonialism and the lure of the frontier, was unduly subjected to repression, has long since been proved a fallacy. The re-

pressions of the Victorian period were world-wide. We have Thackeray's own words for this, even if we didn't have the unanimous testimony of Victorian literature. We also know the history of Madame Bovary in Victorian France.

When the American recovers from the selfishness of the pioneer and the humbleness of the colonial, he will be at last equipped to become, once more, an intelligent patriot. Artistically he is already well on the way, although in the very fierceness and roughness of his revolt there is still a trace of the colonial, afraid lest he be mistaken for someone else. I admit that America is often a large and lonely and ruthless country; but I also protest that in many of its aspects, and throughout a great deal of its territory, and quite as often, it is a highly civilized, comfortable, and gentle one as well.

III

I have already called attention to the need for a higher form of personification; a personification which enables a man to regard his country with the same subjective objectivity with which he regards those nearest and dearest to him; a subjective objectivity which bids a man without further thought sacrifice his own selfish desires and pursuits when it is a question of the welfare of these people or of his country. But beyond this there is something else, a trace of that mysticism which is part of every ideal, and of all intelligent practical action.

You have the physical manifestation of your land and its present; the sum total, that is, of yourself and of all those who are living, and all the present aspects of your country. You have also the sum total of all the ideas concerning your country, its traditions, and ideals. But you have also

the sum total of the past and the future; of every breath, every action, every thought; every horror and every joy of all the men and women who have lived in your country, white, black, or red; or who will live in it. The sum total of all these men and women, dead, living, or as yet to come, who have wondered, and are wondering, and will wonder; who have worked, and are working, and will work; who have despaired, and are despairing, and will despair, but who have gone on again, and are going on, and will go on. And back of this is the sum total of all the American dawns, and noons, and nights; the American winds, and calms, and horizons, and foregrounds.

This sense of the past, present, and future of your country—this trinity—lies at the very beginning of any attempt at intelligent patriotism. No matter how preoccupied a man may be, he must, at intervals, take time to reflect upon this past and this future, or he will find neither safety nor satisfaction in the present. He must use the same mental processes, the same analysis of various factors, many contradictory on the surface, that he uses in making an investment. The United States is not 1936; the American citizen cannot live entirely in the present. The men who came to this country, and those who subsequently made the United States, had definite ideas and definite ideals. We are their heirs and cannot escape the inheritance. But every heir is also a trustee for the future. Taking into consideration all that he knows of the past and of the present, and using these in an attempt to read as well as he can the future, he discards whatever poor investments have been made, retains and adds to what are good, and leaves, if possible, a better estate for his descendants than the one he received. In doing this,

he uses imagination, analysis, common-sense, and historical perspective. At least, that is what the intelligent heir, or trustee, does, and the intelligent citizen uses exactly the same set of mental tools. If the average American took as little thought to his business as he does to his country—its past, present, and future—we would be a nation of bankrupts.

The heirs of a democratic ideal have especial cause to be wise and foresightful. Of all political and social machinery to date, that of democracy is the most powerful and the most useful, and, potentially, the most dangerous. It is built on the belief that all men—at least, the vast majority—are to some extent intelligent mechanics, or can be made so, and these have access to the machine through universal education and universal suffrage. You cannot keep them away from the machine; all you can do is to see that they have wise foremen, and every opportunity and safeguard that will make them what they are supposed to be. If those who are already wise mechanics fail to do this, some day the machine will explode. Since the initial assumption of democracy is universal liberty, the democrat above all men has need to be wide awake.

But this awareness is not merely a keen working knowledge of what is going on. It is not even a working knowledge of the present plus an adequate reference back to the past. It is more than that. Two are required for a bargain. The good citizen must constantly search his own mind and scan his opinions to see if he himself is also in alignment with the ideals upon which this country was founded. Not only must his own hands be clean, but they must be those of a man who has soberly considered what America means, and then, having made up his mind, has with equal sobriety decided that whatever

else he may have to do, his main objective, his paramount thought, is the good of his country.

Differences of opinion cannot be eradicated. What seems good to one man may seem bad to another. But honest men with the same end in view, however much they may differ as to methods, usually in the end find a *modus operandi*. The causes of irreconcilable conflict are ignorance, prejudice, anger, and selfishness. The Declaration of Independence and the Constitution were signed by men of varied surface political and social beliefs, but their fundamental passion was America. The Englishman of every political belief has one fundamental passion — England. There is no finer political phrase extant than the English phrase, "His Majesty's opposition".

Were I to have a vision of a full-fledged American it would be something like this: with sufficient knowledge of the past, he would walk fairly constantly with the thought that he was blood-brother, if not by actual race then by the equally subtle method of mental vein transfusing into

mental vein, of Washington and Lincoln; of all the men like them. He would walk, because of this, carefully and proudly, and also humbly, lest he fail them. And, with a keen sense of the present and the future, he would say to himself: "I am an American and therefore what I do, however small, is of importance."

Never in history have the times been more ripe for a sober discussion, a deep contemplation, of the kind of patriotism I imply. The American citizen is no longer a frontiersman; he can no longer make a million here and lose it there, and go on and make a million somewhere else; and meanwhile let his country take care of itself. Circumstances are forcing him into a deep, straight form of thinking.

Pseudo-patriotism may be the last refuge of a scoundrel, but it is beginning to be apparent that before long, real patriotism, as so often before in history, will be not only the first, and only possible, refuge of the intelligent and far-visioned citizen, but also his sword, his rallying cry, and the emblem of his advance.



DEAD MAN

A Story

BY JAMES M. CAIN

HE FELT the train check, knew what it meant. In a moment, from up toward the engine, came the chant of the railroad detective: "Rise and shine, boys, rise and shine." The hoboes began dropping off. He could hear them out there in the dark, cursing as the train went by. That was what they always did on these freights: let the hoboes climb on in the yards, making no effort to dislodge them there; for that would have meant a foolish game of hide-and-seek between two or three detectives and two or three hundred hoboes, with the hoboes swarming on as fast as the detectives put them off. What they did was let the hoboes alone until the train was several miles under way; then they pulled down to a speed slow enough for men to drop off, but too fast for them to climb back on. Then the detective went down the line, brushing them off, like caterpillars from a twig. In two minutes they would all be ditched, a crowd of bitter men in a lonely spot; but they always cursed, always seemed surprised.

He crouched in the coal gondola and waited. He hadn't boarded a flat or a refrigerator with the others, back in the Los Angeles yards, tempting though this comfort was. He wasn't long on the road, and he still didn't like to mix with the other hoboes, admit he was one of them. Also, he couldn't shake off a notion that he was sharper than they were, that playing a lone hand he might think of some magnificent

trick that would defeat the detective, and thus, even at this ignoble trade, give him a sense of accomplishment, of being good at it. He had slipped into the gond not in spite of its harshness, but because of it; it was black, and would give him a chance to hide, and the detective, not expecting him there, might pass him by. He was nineteen years old, and was proud of the nickname they had given him in the poolroom back home. They called him Lucky.

"Rise and shine, boys, rise and shine."

Three dropped off the tank car ahead, and the detective climbed into the gond. The flashlight shot around, and Lucky held his breath. He had curled into one of the three chutes for unloading coal. The trick worked. These chutes were dangerous, for if you stepped into one and the bottom dropped, it would dump you under the train. The detective took no chances. He first shot the flash, then held on to the side while he climbed over the chutes. When he came to the last one, where Lucky lay, he shot the flash, but carelessly, and not squarely into the hole, so that he saw nothing. Stepping over, he went on, climbed to the box car behind, and resumed his chant; there were more curses, more feet sliding on ballast on the roadbed outside. Soon the train picked up speed. That meant the detective had reached the caboose, that all the hoboes were cleared.

Lucky stood up, looked around. There was nothing to see, except hot-dog stands

along the highway, but it was pleasant to poke your head up, let the wind whip your hair, and reflect how you had outwitted the detective. When the click of the rails slowed and station lights showed ahead, he squatted down again, dropped his feet into the chute. As soon as lights flashed alongside, he braced against the opposite side of the chute: that was one thing he had learned, the crazy way they shot the brakes on these freights. When the train jerked to a shrieking stop, he was ready, and didn't get slammed. The bell tolled, the engine pulled away, there was an interval of silence. That meant they had cut the train, and would be picking up more cars. Soon they would be going on.

"Ah-ha! Hiding out on me, hey?"

The flashlight shot down from the box car. Lucky jumped, seized the side of the gond, scrambled up, vaulted. When he hit the roadbed, his ankles stung from the impact, and he staggered for footing. The detective was on him, grappling. He broke away, ran down the track, past the caboose, into the dark. The detective followed, but he was a big man and began to lose ground. Lucky was clear, when all of a sudden his foot drove against a switch bar and he went flat on his face, panting from the hysteria of shock.

The detective didn't grapple this time. He let go with a barrage of kicks.

"Hide out on me, will you? Treat you right, give you a break, and you hide out on me. I'll learn you to hide out on me."

Lucky tried to get up, couldn't. He was jerked to his feet, rushed up the track on the run. He pulled back, but couldn't get set. He sat down, dug in with his sliding heels. The detective kicked and jerked, in fury. Lucky clawed for something to hold on to, his hand caught the rail. The detective stamped on it. He pulled it back in pain, clawed again. This time his fingers

closed on a spike, sticking an inch or two out of the tie. The detective jerked, the spike pulled out of the hole, and Lucky resumed his unwilling run.

"Lemme go! Why don't you lemme go?"

"Come on! Hide out on me, will you? I'll learn you to hide out on Larry Nott!"

"Lemmo go! Lemme —"

Lucky pulled back, braced with his heels, got himself stopped. Then his whole body coiled like a spring and let go in one convulsive, passionate lunge. The spike, still in his hand, came down on the detective's head, and he felt it crush. He stood there, looking down at something dark and formless, lying across the rails.

II

Hurrying down the track, he became aware of the spike, gave it a toss, heard it splash in the ditch. Soon he realized that his steps on the ties were being telegraphed by the listening rail, and he plunged across the ditch to the highway. There he resumed his rapid walk, trying not to run. But every time a car overtook him his heels lifted queerly, and his breath first stopped, then came in gasps as he listened for the car to stop. He came to a crossroads, turned quickly to his right. He let himself run here, for the road wasn't lighted as the main highway was, and there weren't many cars. The running tired him, but it eased the sick feeling in his stomach. He came to a sign that told him Los Angeles was 17 miles, and to his left. He turned, walked, ran, stooped down sometimes, panting, to rest. After a while it came to him why he had to get to Los Angeles, and so soon. The soup kitchen opened at seven o'clock. He had to be there, in that same soup kitchen where he had had supper, so it would look as though he had never been away.

When the lights went off, and it came broad daylight with the suddenness of Southern California, he was in the city, and a clock told him it was ten minutes after five. He thought he had time. He pressed on, exhausted, but never relaxing his rapid, half-shuffling walk.

It was ten minutes to seven when he got to the soup kitchen, and he quickly walked past it. He wanted to be clear at the end of the line, so he could have a word with Shorty, the man who dished out the soup, without impatient shoves from behind, and growls to keep moving.

Shorty remembered him. "Still here, hey?"

"Still here."

"Three in a row for you. Holy smoke, they ought be collecting for you by the month."

"Thought you'd be off."

"Who, me?"

"Sunday, ain't it?"

"Sunday? Wake up. This is Saturday."

"Saturday? You're kidding."

"Kidding my eye, this is Saturday, and a big day in this town, too."

"One day looks like another to me."

"Not this one. Parade."

"Yeah?"

"Shriners. You get that free."

"Well, that's my name, Lucky."

"My name's Shorty, but I'm over six feet."

"Nothing like that with me. I really got luck."

"You sure?"

"Like, for instance, getting a hunk of meat."

"I didn't give you no meat."

"Ain't you going to?"

"Shove your plate over quick. Don't let nobody see you."

"Thanks."

"Okay, Lucky. Don't miss the parade."

"I won't."

He sat at the rough table with the others, dipped his bread in the soup, tried to eat, but his throat kept contracting from excitement and he made slow work of it. He had what he wanted from Shorty. He had fixed the day, and not only the day but the date, for it would be the same date as the big Shriners' parade. He had fixed his name, with a little gag. Shorty wouldn't forget him. His throat relaxed, and he wolfed the piece of meat.

Near the soup kitchen he saw signs: "Lincoln Park Pharmacy," "Lincoln Park Cafeteria".

"Which way is the park, Buddy?" If it was a big park, he might find a thicket where he could lie down, rest his aching legs.

"Straight down, you'll see it."

There was a fence around it, but he found a gate, opened it, slipped in. Ahead of him was a thicket, but the ground was wet from a stream that ran through it. He crossed a small bridge, followed a path. He came to a stable, peeped in. It was empty, but the floor was thickly covered with new hay. He went in, made for a dark corner, burrowed under the hay, closed his eyes. For a few moments everything slipped away, except warmth, relaxation, ease. But then something began to drill into the back of his mind: Where did he spend last night? Where would he tell them he spent last night? He tried to think, but nothing would come to him. He would have said that he spent it where he spent the night before, but he hadn't spent it in Los Angeles. He had spent it in Santa Barbara, and come down in the morning on a truck. He had never spent a night in Los Angeles. He didn't know the places. He had no answers to the questions that were now pounding at him like sledge-hammers:

"What's that? Where you say you was?"

"In a flophouse."

"Which flophouse?"

"I didn't pay no attention which flophouse. It was just a flophouse."

"Where was this flophouse at?"

"I don't know where it was at. I never been to Los Angeles before. I don't know the names of no streets."

"What this flophouse look like?"

"Looked like a flophouse."

"Come on, don't give us no gags. What this flophouse look like? Ain't you got eyes, can't you say what this here place looked like? What's the matter, can't you talk?"

Something gripped his arm, and he felt himself being lifted. Something of terrible strength had hold of him, and he was going straight up in the air. He squirmed to get loose, then was plopped on his feet and released. He turned, terrified.

An elephant was standing there, exploring his clothes with its trunk. He knew then that he had been asleep. But when he backed away, he bumped into another elephant. He slipped between the two elephants, slithered past a third to the door, which was open about a foot. Out in the sunlight, he made his way back across the little bridge, saw what he hadn't noticed before: pens with deer in them, and ostriches, and mountain sheep, that told him he had stumbled into a zoo. It was after four o'clock, so he must have slept a long time in the hay. Back on the street, he felt a sobbing laugh rise in his throat. *That* was where he had spent the night. "In the elephant house at Lincoln Park."

"What?"

"That's right. In the elephant house."

"What you giving us? A stall?"

"It ain't no stall. I was in the elephant house."

"With them elephants?"

"That's right."

"How you get in there?"

"Just went in. The door was open."

"Just went in there, seen the elephants, and bedded down with them?"

"I thought they was horses."

"You thought them elephants was horses?"

"It was dark. I dug in under the hay. I never knowed they was elephants till morning."

"How come you went in this place?"

"I left the soup kitchen, and in a couple of minutes I came to the park. I went in there, looking for some grass to lie down on. Then I come to this here place, looked to me like a stable, I peeped in, seen the hay, and hit it."

"And you wasn't scared of them elephants?"

"It was dark, I tell you, and I could hear them eating the hay, but I thought they was horses. I was tired, and I wanted some place to sleep."

"Then what?"

"Then when it got light, and I seen they was elephants, I run out of there, and beat it."

"Couldn't you tell them elephants by the smell?"

"I never noticed no smell."

"How many elephants was there?"

"Three."

III

He brushed wisps of hay off his denims. They had been fairly new, but now they were black with the grime of the coal gond. Suddenly his heart stopped, a suffocating feeling swept over him. The questions started again, hammered at him, beat into his brain.

"Where that coal dust come from?"

"I don't know. The freights, I guess."

"Don't you know it ain't no coal ever shipped into this part of the state? Don't you know that here all they burn is gas?"

Don't you know it ain't only been but one coal car shipped in here in six months, and that come in by a misread train order? Don't you know that car was part of that train this here detective was riding that got killed? *Don't you know that?* Come on, out with it, WHERE THAT COAL DUST COME FROM?"

Getting rid of the denims instantly became an obsession. He felt that people were looking at him on the street, spying the coal dust, waiting till he got by, then running into drugstores to phone the police that he had just passed by. It was like those dreams he sometimes had, where he was walking through crowds naked, except that this was no dream, and he wasn't naked, he was wearing these denims, these tell-tale denims with coal dust all over them. He clenched his hands, had a moment of terrible concentration, headed into a filling station.

"Hello."

"Hello."

"What's the chances on a job?"

"No chances."

"Why not?"

"Don't need anybody."

"That's not the only reason."

"There's about forty-two other reasons, one of them is I can't even make a living myself, but it's all the reason that concerns you. Here's a dime, kid. Better luck somewhere else."

"I don't want your dime. I want a job. If the clothes were better, that might help, mightn't it?"

"If the clothes were good enough for Clark Gable in the swell gambling house scene, that wouldn't help a bit. Not a bit. I just don't need anybody, that's all."

"Suppose I got better clothes. Would you talk to me?"

"Talk to you any time, but I don't need anybody."

"I'll be back when I get the clothes."

"Just taking a walk for nothing."

"What's your name?"

"Hook's my name. Oscar Hook."

"Thanks, Mr. Hook. But I'm coming back. I just got a idea I can talk myself into a job. I'm some talker."

"You're all of that, kid. But don't waste your time. I don't need anybody."

"Okay. Just the same, I'll be back."

He headed for the center of town, asked the way to the cheap clothing stores. At Los Angeles and Temple, after an hour's trudge, he came to a succession of small stores in a Mexican quarter that were what he wanted. He went into one. The storekeeper was a Mexican, and two or three other Mexicans were standing around, smoking.

"Mister, will you trust me for a pair of white pants and a shirt?"

"No trust. Hey, scam."

"Look. I can have a job Monday morning if I can show up in that outfit. White pants and a white shirt. That's all."

"No trust. What you think this is, anyway?"

"Well, I got to get that outfit somewhere. If I get that, they'll let me go to work Monday, I'll pay you soon as I get paid off Saturday night."

"No trust. Sell for cash."

He stood there. The Mexicans stood there, smoked, looked out at the street. Presently one of them looked at him. "What kind of job, hey? What you mean, got to have white pants a white shirt a hold a job?"

"Filling station. They got a rule you got to have white clothes before you can work there."

"Oh. Sure. Filling station."

After a while the storekeeper spoke. "Ha! Is a joke. Job in filling station, must have a white pants, white shirt. Ha! Is a joke."

"What else would I want them for? Holy smoke, these are better for the road, ain't

they? Say, a guy don't want white pants to ride freights, does he?"

"What filling station? Tell me that?"

"Guy name of Hook, Oscar Hook, got a Acme station, Main near Twentieth. You don't believe me, call him up."

"You go to work there, hey?"

"I'm *supposed* to go to work. I *told* him I'd get the white pants and white shirt, somehow. Well — if I don't get them I don't go to work."

"Why you come to me, hey?"

"Where else would I go? If it's not you, it's another guy down the street. No place else I can dig up the stuff over Sunday, is there?"

"Oh."

He stood around. They all stood around. Then once again the storekeeper looked up. "What size you wear, hey?"

He had a wash at a tap in the back yard, then changed there, between piled-up boxes and crates. The storekeeper gave him a white shirt, white pants, necktie, a suit of thick underwear, and a pair of shoes to replace his badly-worn brogans. "Is pretty cold, night-time, now. A thick underwear feel better."

"Okay. Much obliged."

"Can roll this other stuff up."

"I don't want it. Can you throw it away for me?"

"Is pretty dirty."

"Plenty dirty."

"You no want?"

"No."

His heart leaped as the storekeeper dropped the whole pile into a rubbish brazier and touched a match to some papers at the bottom of it. In a few minutes, the denims and everything else he had worn were ashes.

He followed the storekeeper inside. "Okay, here is a bill, I put all a stuff on a bill, no charge you more than anybody else.

Is six dollar ninety-eight cents, then is a service charge one dollar."

All of them laughed. He took the "service charge" to be a gyp overcharge to cover the trust. He nodded. "Okay on the service charge."

The storekeeper hesitated. "Well, six ninety-eight. We no make a service charge."

"Thanks."

"See you keep a white pants clean till Monday morning."

"I'll do that. See you Saturday night."

"*Adios.*"

Out in the street, he stuck his hand in his pocket, felt something, pulled it out. It was a \$1 bill. Then he understood about the "service charge", and why the Mexicans had laughed. He went back, kissed the \$1 bill, waved a cheery salute into the store. They all waved back.

He rode a streetcar down to Mr. Hook's, got turned down for the job, rode a streetcar back. In his mind, he tried to check over everything. He had an alibi, fantastic and plausible. So far as he could recall, nobody on the train had seen him, not even the other hoboos, for he had stood apart from them in the yards, and had done nothing to attract the attention of any of them. The denims were burned, and he had a story to account for the whites. It even looked pretty good, this thing with Mr. Hook, for anybody who had committed a murder would be most unlikely to make a serious effort to land a job.

But the questions lurked there, ready to spring at him, check and recheck as he would. He saw a sign, "5-Course Dinner, 35 Cents". He still had ninety cents, and went in, ordered steak and fried potatoes, the hungry man's dream of heaven. He ate, put a ten-cent tip under the plate. He ordered cigarettes, lit one, inhaled. He got up to go. A newspaper was lying on the table.

He froze as he saw the headline:

"L. R. NOTT, R. R. MAN, KILLED."

IV

On the street, he bought a paper, tried to open it under a street light, couldn't, tucked it under his arm. He found Highway 101, caught a hay truck bound for San Francisco. Going out Sunset Boulevard, it unexpectedly pulled over to the curb and stopped. He looked warily around. Down a side-street, about a block away, were the two red lights of a police station. He was tightening to jump and run, but the driver wasn't looking at the lights. "I told them bums that air hose was leaking. They set you nuts. Supposed to keep the stuff in shape and all they ever do is sit around and play blackjack."

The driver fished a roll of black tape from his pocket and got out. Lucky sat where he was a few minutes, then climbed down, walked to the glare of the headlights, opened his paper. There it was:

L. R. NOTT, R. R. MAN, KILLED

The decapitated body of L. R. Nott, 1327 De Soto Street, a detective assigned to a northbound freight, was found early this morning on the track near San Fernando station. It is believed he lost his balance while the train was shunting cars at the San Fernando siding and fell beneath the wheels. Funeral services will be held tomorrow from the De Soto Street Methodist Church.

Mr. Nott is survived by a widow, formerly Miss Elsie Snowden of Mannerheim, and a son, L. R. Nott, Jr., 5.

He stared at it, refolded the paper, tucked it under his arm, walked back to where the driver was taping the air hose. He was clear, and he knew it. "Boy, do they call you Lucky? Is your name Lucky? I'll say it is."

He leaned against the trailer, let his eye wander down the street. He saw the two

red lights of the police station — glowing. He looked away quickly. A queer feeling began to stir inside him. He wished the driver would hurry up.

Presently he went back to the headlights again, found the notice, re-read it. He recognized that feeling now; it was the old Sunday-night feeling that he used to have back home, when the bells would ring and he would have to stop playing hide in the twilight, go to church, and hear about the necessity for being saved. It shot through his mind, the time he had played hookey from church, and hid in the livery stable; and how lonely he had felt, because there was nobody to play hide with; and how he had sneaked into church, and stood in the rear to listen to the necessity for being saved.

His eyes twitched back to the red lights, and slowly, shakily, but unswervingly he found himself walking toward them.

"I want to give myself up."

"Yeah, I know, you're wanted for grand larceny in Hackensack, N. J."

"No, I —"

"We quit giving them rides when the New Deal come in. Beat it."

"I killed a man."

"You — ? . . . When was it you done this?"

"Last night."

"Where?"

"Near here. San Fernando. It was like this —"

"Hey, wait till I get a card. . . . Okay, what's your name?"

"Ben Fuller."

"No middle name?"

"They call me Lucky."

"Lucky like in good luck?"

"Yes, sir. . . . Lucky like in good luck."



THE STATE OF THE UNION

BY ALBERT JAY NOCK

The New Deal and Prohibition

I BELIEVE that when the historian looks back on the last twenty years of American life, the thing that will puzzle him most is the amount of self-inflicted punishment that Americans seem able to stand. They take it squarely on the chin at the slightest provocation, and do not even wait for the count before they are back for more. True, they have always been good at it. For instance, once on a time they were comparatively a free people, regulating a large portion of their lives to suit themselves. They had a great deal of freedom, as compared with other peoples of the world. But apparently they could not rest until they threw their freedom away. They made a present of it to their own politicians, who have made them sweat for their gullibility ever since. They put their liberties in the hands of a praetorian guard made up exactly on the old Roman model, and not only never got them back, but as long as that praetorian guard of professional politicians lives and thrives — which will be quite a while if its numbers keep on increasing at the present rate — they never will.

But though Americans have always known how to make the old-time Flagellants look like amateurs at the business of scourging themselves, it is only in the last twenty years that they have really shown what they can do. The plagues of Egypt, the flies, frogs, hail, locusts, murrain, boils, and blains, are as nothing by comparison with the curses they have brought down on themselves in that time, all of their own free will and accord. They diddled themselves into a

war to make the world safe for democracy — and look at democracy now! They took on the war debts, and financed the “reconstruction” of Europe — and now they are holding the bag. They fell for the “new economics” of blessed memory, and took a handsome fling at jazz-and-paper in the Twenties. They went in strong for Prohibition; and then, even before they came out from under that nightmare, they threw themselves body and soul into the fantastic imbecilities of the New Deal.

What a spectacle! There is no use, none in the world, of pretending that the praetorian guard dragooned, cajoled, or humbugged the people of this country into taking up with all this appalling nonsense, and at the same time pretending that the country is a republic in which the people are sovereign. You can not have it both ways. If the professional politicians, who are known of all men to be pliant mountebanks when they are not time-serving scoundrels, and are usually both — if these have power to herd the people headlong into such bizarre rascalities and follies against their will and judgment, then the country is not a republic but an oligarchy built on an imperial model, and its people are not citizens, but subjects. If on the other hand it is a republic and the people are sovereign, then the misfeasances of the professional politicians run straight back to the people who elected them. When Golden Rule Jones was Mayor of Toledo, a man wrote him for help, saying that whisky had been his ruin. Jones answered his letter, saying: “I do not believe

whisky has been your ruin. I believe it was the whisky that you drank."

The reader may take his choice between these alternatives. No matter which of the two is right, the fact remains that the individual citizen, or subject, has lost the best that was in him. Whether he surrendered it or whether he let it be confiscated is not what I am so much concerned with at the moment — although the question is important enough and ought to be ventilated — as I am with the fact that it is gone. Not only his liberty is gone, but something much more valuable, his belief in liberty and his love of it, his power of quick and effective resentment against any tampering with the principle of liberty by anybody. This is as much as to say that his self-respect, dignity, his sense of what is due to him as a human being, has gone, and that is exactly what I mean to say. It has gone into the keeping of persons most notoriously unworthy of such a trust, or of any trust; persons capable of deliberately conniving, and who do connive, at the temporary ruin of their country for political purposes. I say this with respect to no particular party or faction, for however many nominally there may be of these, there are never actually more than two. As Mr. Jefferson said, "The nest of office being too small for them all to cuddle into at once, the contest is eternal which shall crowd the other out. For this purpose they are divided into two parties, the Ins and the Outs."

In the last conversation I had with the late Brand Whitlock, a few months before his death, we spoke of the remarkably rapid dwindling of the sense of self-respect in America, and he asked me if I remembered how thoroughly the country was worked up by a little incident that took place only twenty-five years before. I remembered it well, because we had happened to be together at the time, and we had commented on the wholesome general resentment that

the outrage provoked. State prohibition was in force then, and somewhere down South a posse of state officials boarded a train and slashed open the suitcase of a through passenger who had stood on his rights and refused to unlock it. That incident went the length and breadth of the land, and was talked about in good plain language, not by a few doctrinaires, but by Tom, Dick, and Harry on the streets. Yet, as Mr. Whitlock said, in the America of twenty-five years later, such a thing would not even be news, and nowhere would there be a breath of indignation against it. Mr. Whitlock died, as an honorable man would wish to do, before he could see the upshot of most of the policies which the people of Prohibitionist and post-Prohibitionist America have inflicted on themselves in the name of good government. Many of us, indeed, appear or pretend not to see it even now.

I think, for instance, that no one has adequately remarked the ease and naturalness of the transition from Prohibition to the New Deal. Some one may have done it, but if so it has escaped me. There is a complete parallel between them. They are alike in their inception. They are alike in their professed intention. As for their fundamental principle, they are so far alike that the one is a mere expansion of the other. They are alike in respect of the quality of the people who support them, alike in respect of the kind of apologists they attract to their service; and finally, they are alike in their effect upon the spirit and character of the nation.

Alike in their origin, both were brought about by a *coup d'état*, the work of a determined minority at a time when the country was writhing in one of its recurrent spasms of discreditable and senseless funk — or, I should rather say, when it had passed beyond its norm of imbecile apathy and gone into the stage of vociferous idiocy. Not long ago I had a letter from a French friend

who remarked that *quand les Américains se mettent à être nerveux, ils dépassent tout commentaire*, which is indeed true, so I imagine that what I have just said is perhaps the best one can do by way of describing the country's state of mind. Prohibition came when we were "making a business of being nervous" about the great cause of righteousness that we were defending against the furious Goth and fiery Hun. The New Deal came when we were making a business of being nervous about the depression; that is, nervous about having to pay collectively the due and just penalty of our collective ignorance, carelessness, and culpable greed.

Prohibition and the New Deal are alike in their professed intention, if one may put it so, to "do us for our own good". Both assumed the guise of disinterested benevolence towards the body politic. In the one case we were adjudged incapable of setting up an adequate social defense against the seductions of vicious rum-sellers; in the other, of defending ourselves against injuries wrought by malefactors of great wealth; therefore the State would obligingly come forward and take the job off our hands. In the case of Prohibition we can now see what those professions amounted to, and we are beginning to see what they amount to in the case of the New Deal; and in either case we see nothing but what we might have seen at the outset — and what some of us did see — by a brief glance at the kind of people engaged in promoting both these nostrums, and a briefer glance at their record. We see now that the promotion of Prohibition was purely professional, and there is nothing to prevent our seeing that so was the promotion of the New Deal. In 1932 the local politicians and the political hangers-on who together make up the "machine" — and of whom there are more in America than there were lice

in Egypt in Moses' day — saw a great starving-time ahead of them, and when the New Deal was broached they fell upon it with yells of joy, as one who comes upon an oasis of date-palms in a trackless desert. Their dearth was miraculously turned into plenty. Faced with a dead stoppage of their machine from lack of money to keep it going, they suddenly found themselves with more money in their hands than they had ever imagined there was in the world.

Prohibition and the New Deal are alike in their fundamental principle, which is the principle of coercion. Prohibition proposed to make the nation sober by *force majeure*, and incidentally to charge a thundering brokerage for doing the job. It said to us, "This is all for your own good, and you ought to fall in line cheerfully, but if you do not fall in, we will make you." The New Deal proposes a redistribution of wealth, and is charging a brokerage that makes the janizaries of the Anti-Saloon League look like pickpockets at a county fair. The national headquarters of the New Deal has a slush-fund of something over four billion dollars to blow in between now and next November, and about 700,000 devoted heelers on the job of seeing that it is spent where it will bring the best results. All this, we are told, is for our own good, and we ought to appreciate it, but whether we appreciate it or not, we must take it.

The two enterprises are alike also in respect of the quality of the people who support it. There are some statistics available on this. About four years ago — in November, 1931, to be exact — Mr. Henry L. Mencken published in this magazine the results of an elaborate statistical study which he had been making in collaboration with Mr. Charles Angoff in order to determine the relative cultural standing of the forty-eight states. He tabulated his findings in the form of a list of the states, arranged in the order of

their approach to civilization, and he has stated publicly that his table has never been successfully challenged.

In 1932 Mr. Mencken compared his table with the returns of the *Literary Digest's* poll on Prohibition, and found that they fitted precisely. Nearly all the states that turned in heavy majorities against Prohibition stood high on his table, and nearly all that supported it stood low. In the *Baltimore Evening Sun* of January 13, 1936, he made a similar comparison with the *Digest's* poll on the New Deal, and got a similar result. The more nearly civilized states are against it, and the more uncivilized states are for it. He says:

In the five most civilized of American states, according to the Angoff-Mencken table, the percentage of voters voting for the New Deal is but 32.32; in the five least civilized states it is 67.68, or more than double. . . . Of the states giving the New Deal less than 30% of their votes (seven in number) all are among the first twenty-two; of those giving it more than 70% (two in number) both are among the last three. Of those giving it less than 35% (thirteen in number) all are among the first twenty-eight; of those giving it more than 65% (four in number) all are clumped together at the bottom. Finally, of those giving it less than 40% (twenty-two in number) all are among the first thirty-three; and of those giving it more than 60% (eight in number) all are among the last eleven.

From this it may be seen that, precisely like Prohibition, the New Deal, as Mr. Mencken concludes, "makes its most powerful appeal, not to the intelligent and enlightened moiety of the American people, but to the ignorant and credulous. It is, in truth, demagoguery pure and simple, quackery undiluted. . . . The states that show a majority for it, including the anomalous Utah,

are exactly the states that inflicted the Eighteenth Amendment on us, and most of them are still dry. Also they are the states whose people still believe by large majorities that William Jennings Bryan was a profounder scientist than Darwin, that any man who pays his debts is an enemy to society, and that a horsehair put into a bottle of water will turn into a snake".

As for its moral effect upon the nation, the New Deal simply carries on Prohibition's work of making corruption and hypocrisy respectable. Both enterprises are bureaucratic, both are coercive; and, as Mr. Jefferson said, the moral effect of coercion is "to make one-half the world fools, and the other half hypocrites; to support roguery and error all over the earth". And what has Prohibition had to show by way of offset? Simply nothing. What has the New Deal to show, so far? Can anybody point to a single one of its policies that has really worked? I know of none. No recovery in business is due to it. It has as many unemployed on its hands as it ever had, and as many derelicts. Its agricultural policy is said to have worked, but, as the Supreme Court observed, that simply amounted to the expropriation of money from one group for the benefit of another; in other words, it amounted to larceny, and official larceny always works. The unofficial practitioners of that art who are now in Sing Sing were simply at a disadvantage.

Prohibition and the New Deal, in short, breed straight back to the incredible appetite of the American people for self-inflicted punishment. One wonders how long they can take it, and how hard; and above all, one wonders, when the New Deal has gone the way of Prohibition, what more dismal and depraving form of self-torture they will turn to next.

CIRCUMSTANTIAL EVIDENCE

BY EDWIN BORCHARD

CIRCUMSTANTIAL evidence, because of the continued prevalence of sensational criminal cases in this country, has again become the subject of widespread discussion and dispute. Numerous articles have been written designed to prove that it is infallible and worthy of greater credence than direct evidence. An old familiar phrase has even been resurrected: "Witnesses may lie, but circumstances cannot." It is wise, however, to be cautious in such matters. For, while it is true that circumstances are often convincing and conclusive, they may also be misleading and unreliable. Since the publication in 1932 of my book, *Convicting the Innocent*, a number of striking cases have occurred which show again the danger of blind dependence upon this type of evidence.

It is perhaps not the circumstances themselves which lie, for they are usually inanimate, but the conclusions which human beings draw from them. In other words, circumstances can lead to correct as well as incorrect results, depending in turn upon other circumstances, such as gullibility, eagerness, passion, accident, and the sheer fallibility of human nature.

Circumstantial evidence is supposedly entitled to special weight because it derives from several connected sources and is thus less likely to be falsely prepared or to be tainted by perjury or error. But its vulnerability, as Chief Justice Shaw of Massachusetts once said in a celebrated case, is that a jury must not only weigh the evi-

dence of facts, but it must also draw conclusions from them; and in doing that, may be led by prejudice or partiality or other state of mind to make hasty or false deductions.

The fact is that circumstantial evidence is rarely the only evidence upon which a conviction is obtained. It usually appears in association with an erroneous identification, or "expert" testimony, or a prior criminal record, or suppression of evidence, or perjury, which influences the jury to give undue weight to the circumstantial evidence and to draw false inferences from it. If any major signpost in the trail of evidence leading to the desired goal is misread by the jury, it is pretty certain that the wrong road will be taken and the wrong destination reached. If the jurors strongly believe in the truth of some major premise, such as the presence of the accused at a crucial place at a certain time, the rest of the circumstances will in their minds take on a color consistent with that primary conclusion; whereas if the major premises have been misconceived, the circumstances would assume a different aspect and lead to a different inference. Circumstantial evidence thus rarely appears in isolation; and any number of attendant or collateral facts or emotions or beliefs can serve to color it and falsify its true significance.

I have gathered together a half-dozen cases which illustrate these axioms. Here they are, just as they occurred in various sections of America:

Four Years on the Chain Gang

Robert E. Coleman, twenty-two years old, came home one night from his work as a salesman of picture frames, and (he later claimed) found on the floor of his bedroom the battered body of his eighteen-year-old wife. The police answered his frantic telephone call and promptly placed him under arrest, charged with murder. His dazed and harassed condition made him a poor witness. The fact that the woman had apparently been killed about the time Coleman usually went to work in the morning; that the death-dealing weapons used — a poker, a flatiron, and a piece of wood — were in the house; the fact that the overalls in which Coleman worked around the house were found newly washed, with suspicious stains clearly visible; that he left the house that day earlier than was his habit, and seemed excited; that he was shaken and nervous when the police questioned him — these factors were sufficient to convince a jury. Coleman's violent denials injured rather than helped him. The jury recommended mercy and the prisoner was sent to the chain gang for life.

Inasmuch as Coleman could supply no better explanation of the murder than the one essayed by the prosecution, it is perhaps not unnatural that the jury believed the only story submitted to them. It is not always safe to be the first to find a dead body. But for the fact that a series of new murders were committed in that region over the years following, the truth might never have been revealed. These new murders led, however, to the apprehension of one James Stark, a professional killer, who not only confessed the Coleman crime, but convinced an investigating body appointed by Governor Talmadge that he alone committed it. The Governor "pardoned" Coleman, publicly deplored the miscarriage of justice,

and recommended to the Legislature the appropriation of \$2500 for his relief. But the innocent man had already served four years.

Convicted and Acquitted

Not greatly dissimilar was the case of William R. Carver, whose wife and baby and a young Negro manservant named Whitehead were found slain in their Sebring, Florida, home. Carver maintained that Whitehead had murdered Mrs. Carver with a hatchet and knocked out the baby's brains against the crib. Coming upon this scene of horror, Carver claimed that he had shot and killed the Negro youth. The State maintained that Carver had killed the three to collect a \$20,000 insurance policy.

Carver, a Yankee from Philadelphia, had incurred the dislike of some of the townsmen, and the newspapers were none too friendly. A jury found him guilty. But, after many vicissitudes in which a fortune was spent, Carver succeeded in getting a new trial and a change of venue, and then obtained a prompt acquittal. While it is virtually certain that he was innocent, the circumstantial evidence was interpreted differently by two juries, and possibly the first jury still thinks that it was right. Possibly it was. This case shows again the unreliability of circumstantial evidence which, while often convincing, is just as often totally misleading.

A Dead Man Tells a Tale

The Reverend Ernest Lyons, a Negro preacher of Reid's Ferry, Virginia, was convicted of the murder of his colleague, the Reverend James Smith. The two were rivals, Smith, the pastor of the flock, having to compete with the growing popularity of his assistant, Lyons. Smith lived in the

Lyons home; they were known to quarrel; and Smith was suspected of intimacy with Lyons' sister-in-law. Both were to attend a regional church conference at Suffolk, Virginia, and Smith was entrusted with the contribution of \$45 which had been painfully assembled by the little congregation. It was said that during a quarrel that day, Lyons had threatened to kill Smith. They left the church together on the evening before the conference, and the next day Lyons arrived at Suffolk. But not Smith. Lyons stated that he had come alone and that Smith had said he would follow. Nothing more was heard of Smith or of the \$45.

Lyons became the pastor of the church, but Smith's friends were unconvinced by Lyons' story of their last separation, and when the corpse of a large Negro, in a state of decomposition, was found in the river near the church, their suspicions were confirmed. The body, about the size of Smith, was buried. But various friends identified as Smith's articles of clothing found on the body, and to make it certain, a woman parishioner who had not seen the body stated that if it were Smith's, there would be found, on the little finger of the left hand, a ring with a purple setting. The body was exhumed, and a ring exactly fitting the description given was found on the little finger of the left hand. A doctor testified that the man had died from a blow upon the head and had been thrown into the river, dead or dying.

All this circumstantial evidence was presented to a trial jury together with testimony that Lyons had told a number of conflicting stories about the disappearance of Smith, some of which were indeed shown to be obviously untrue. Although he had throughout the trial vigorously protested his innocence, after the verdict of guilty was rendered Lyons, moved either by hysteria or a desire for revenge, told his attor-

ney that he had in fact committed the crime but that the parishioners who had testified against him had participated in it also. When the resulting panic among the brethren had subsided, the officials again declined to believe Lyons, and he was taken to the penitentiary to begin serving an eighteen-year sentence.

But an amateur sleuth, the Clerk of the Court, was not satisfied that justice had been done, even if the law had spoken the last word. He made it his business to visit round the neighboring countryside. After some years he was rewarded by finding Smith, alive and well, preaching to a congregation in North Carolina. The supposed dead man was induced to return to Suffolk, where he was produced before the judge, admitted that the \$45 had been too much of a temptation, and that he had decided to make tracks for North Carolina. He had a ring exactly like the one on the corpse. "Witnesses may lie but circumstances cannot!"

A Confessed Crime

John A. Johnson was successfully accused of opening a window in the house of Martin Lemberger at Madison, Wisconsin; kidnapping the sleeping seven-year-old daughter, Ann; killing her by a blow on the head; and throwing the body into Lake Manona, to which spot it was traced by bloodhounds. At the time of the crime, Johnson, a neighborhood loafer, had been held on suspicion. After an all-night questioning he had been released, but was rearrested when the authorities discovered that he had previously suffered two commitments to insane asylums for taking liberties with young girls. Johnson's alibi, that he was at home on the fatal night, was disbelieved, and a private detective, in order to force a confession, taking advantage of the prisoner's terror of

lynching, staged a mob scene that so preyed upon Johnson's feeble mind that he confessed the crime and pleaded guilty, on a promise that he would be hurried away to Waupun Penitentiary out of reach of the mob.

It was observed, however, that a watchdog in the house had not made a sound at the time of the alleged kidnaping. It became known also that a card party, accompanied by heavy drinking, had taken place at the Lemberger home that night. And ten years later some members of the party disclosed the real facts. Little Ann had come into the kitchen for water. She had been asked by her drunken father to hand him a poker. She couldn't find it. In a fury he struck her behind the ear with a beer bottle, and she fell against the stove unconscious. Lemberger carried her to bed, where her mother found her dead. The panic-stricken family hid the body in the basement, and the next night threw it into the lake. The story of the kidnaping had been invented so that circumstantial evidence might have its day in court. Johnson, "pardoned" by Governor Blaine after serving ten years, had to wait thirteen additional years before the State of Wisconsin recognized its obligation to indemnify him. A few months ago an act was passed setting up a trust fund of \$5000 from which Johnson, now 72 years old, will be supported.

Handwriting "Experts"

Herbert Andrews of Boston signed a check for goods purchased, but the fact that the merchant failed to deposit it for some weeks resulted in its return from Andrews' bank with the notation "no account." Thus it reached the police. A wave of bad checks was then passing over the city; here at last was a clue. Andrews was taken from his home; experts agreed that the handwriting

on the check and on known forged checks was the same; seventeen witnesses took the stand and identified Andrews as the bad-check passer; Inspector Conboy insisted that he had never made a mistake in forty years of police service; and so Andrews was convicted, after spending what little money his family could muster for his defense.

Only the fact that Earl Barnes, the real forger, continued to pass the same kind of checks after Andrews had reached the penitentiary, aroused suspicion that perhaps Inspector Conboy had made his first mistake and a bevy of other people had similarly failed. When the two men, Andrews and Barnes, stood at the bar, the dissimilarity between them was striking. The State admitted its error, but that was all. Andrews was released; only the thoughtfulness or carelessness of Earl Barnes in continuing to pass bad checks had saved him.

At the Last Minute

In one of the most sensational cases ever tried in the South, nineteen-year-old Will Purvis of Mississippi, a member of a sort of Ku Klux Klan called the Whitecaps, was convicted of murdering a fellow-member, Will Buckley, who had complained to the authorities of the flogging of his Negro servant and threatened to expose the secrets of the Whitecaps, thereby incurring their enmity. As a result of Buckley's evidence, an indictment was voted against three Whitecaps. While Buckley was on his way home from the meeting of the grand jury, accompanied by his brother and the flogged servant, all on horseback, they had to pass through a forest road. Will Buckley was in the lead. As they approached a stream, a shot rang out and Buckley fell out of his saddle, dead. The assassin and his accomplice fired at the others also, but they spurred their horses and escaped.

The road on which Buckley was killed ran by the house of the Purvis family. It was generally known that young Purvis was a recent member of the Whitecaps. Suspicion was thrown on him by an envious neighbor, who had repeatedly tried to acquire the Purvis farm. *Two days* after the tragedy, bloodhounds after much coaxing picked up a cold scent which led them in the direction of the Purvis home. That was enough for the mob, and when the victim's brother identified Purvis as one of the assassins, of whom he could have caught no more than a fleeting glance, a jury readily convicted. Purvis' alibi, substantiated by a witness of known integrity, was disbelieved.

A crowd of 5000 assembled to witness the hanging. Purvis, given a chance to say a final word, made a moving plea of his innocence, and added that there were people, possibly present, who knew who committed the murder. The rope was adjusted about the boy's neck. The executioner sprang the trap. But the rope's knot, instead of tightening around its victim, untwisted, and Purvis fell to the ground unhurt.

Horror shook the spectators. It looked like the intervention of Providence. The officials were about to proceed to hang Purvis again when a leader of the crowd harangued them not to permit it. The sheriff, feeling helpless, returned Purvis to the jail. The issue now became both legal and political. The Supreme Court of the state decided solemnly that Purvis had not been hanged and a new date for the execution was fixed. The night before the proposed execution, friends removed Purvis from the jail, and threatened to keep him until assured that his life at least would be spared. Whether Purvis, if caught, should be hanged became a campaign issue. The candidate for governor, A. J. McLaurin, later

a United States senator from Mississippi, promised, if elected, to commute Purvis' sentence to life imprisonment. On his election, Purvis was surrendered and the promise carried out.

Two years later, Buckley's brother, the State's star witness, voluntarily conceded to the authorities that he might have made a mistake in identifying Purvis and offered to retract his testimony. A further investigation led the Governor to conclude that Purvis was wrongly convicted, and a full and unconditional pardon was granted. Purvis married, became a prosperous farmer and the father of seven children. But he had never been completely vindicated, because the murderers of Buckley had never been apprehended.

Twenty years later, the truth was revealed. An aged member of the community, Joe Beard, at a revival meeting, unburdened himself, confessing that he and his accomplice, Thornhill, had been chosen by lot to kill Buckley, and narrated the entire circumstances. Meetings of the Whitecaps had been held to determine upon Buckley's assassination, but Purvis would have nothing to do with these meetings. Before Beard and Thornhill could be indicted, Beard died, and Thornhill escaped trial through a technicality. A new investigation by the Mississippi Legislature resulted in a formal vindication of Purvis and a grant of \$5000 for the suffering he had endured.

Conviction Reversed

Only recently Attorney General Cummings asked the Court of Appeals of the District of Columbia to reverse a conviction of arson that had been obtained against two young fraternity brothers in the trial court. These young men, president and treasurer of the George Washington University Chapter of Sigma Chi, and roommates,

were charged with having set fire to their fraternity house at 4:10 A. M. with gasoline purchased from a garage, and then to have left the house on a motor trip in an old Ford, which carried them sixty-seven miles to New Freedom, Pennsylvania, by 5:30 A. M. The assumed motive was the desire to burn the books of the fraternity because of an alleged shortage in accounts. A witness testified that the two young men had purchased a ten-gallon can of gasoline, and gasoline odors pervaded the house. A can was found in the garage, partly empty. Although the fire had apparently come from the lower halls, the wastebasket in the young men's room was found on fire. This was supposed to show that the fire was their handiwork. The jury convicted.

Before the appeal was heard the Attorney General had an investigation made, including a trip over the road taken by the young men, and came to the conclusion that the supposed identification of the young men as the purchasers of the can of gasoline was unreliable; that the identity of the can itself was doubtful; that the origin of the fire was pure assumption; that sparks from below could easily have started the wastebasket fire; that men in a defective car could not possibly have covered the sixty-seven miles — with proved stops — in one hour and twenty minutes; and that their own account of their movements that night was straightforward and doubtless correct — namely, that they had left Washington at 3:10 A. M., had spent the day in New Freedom with friends, and knew nothing whatever about the fire until the next night when they returned. The Attorney General then made this statement to the court:

The evidence tending to connect the defendants with the crime is entirely circumstantial. The law is well settled that where circumstantial evidence is relied upon to prove guilt, the circumstances proved must

exclude every reasonable hypothesis of innocence and must be consistent with the hypothesis of guilt alone.

The conviction was reversed.

Jury Refuses to Believe

Captain Lancaster, an aviator, was recently tried in Miami for the murder of Haden Clarke, a writer, his rival for the affections of Mrs. Jessie Keith-Miller, aviatrix. The jury, showing an intelligent suspicion of the strength of circumstantial evidence, declined to convict Lancaster, notwithstanding the clear motive; threats made by Lancaster against Clarke; the fact that the two men were the only occupants of the room where the death occurred; that Clarke had been killed with Lancaster's gun; that Lancaster had purchased the gun in St. Louis only a few days before, saying, "I'm going East and end it all"; and, worst of all, that Lancaster admitted he had forged Clarke's name to two suicide notes which were found on Clarke's bed. Lancaster testified:

I was awakened by the sound of a shot. Clarke was dying in his bed. I knew I would be accused of killing him. I wrote the two notes on a Corona typewriter that was on a table at the foot of the bed. I tried to arouse Clarke; I tried to get him to sign them; I couldn't arouse him so I signed them myself.

The jury accepted Lancaster's testimony that Clarke had committed suicide, although the circumstantial evidence indicated otherwise.

II

A writer in the *New Yorker*, Edmund Pearson, evidently a believer in the death penalty, seeks to talk down the evidence adduced in my book by intimating that only

sixty-five cases such as the above could be found by the most diligent search; that, after all, innocent persons are rarely *executed*; that the error was in most cases discovered within a reasonably short time after conviction; and in *one* case he thinks the innocence somewhat doubtful. To these allegations it should be answered that the sixty-five cases were selected from among a number almost twice as great; that the brief research merely scratched the surface and was not intended to be exhaustive; and that the purpose of bringing about certain reforms in the law was thought to be adequately served by the publication of a few cases of varying type. Since 1932, a considerable number of new erroneous convictions, impregably authenticated, have been disclosed.

The reason why more *executions* of innocent men are not known is because public interest in establishing the truth usually ceases after death makes the inquiry academic. It is a strong argument for the abolition of the death penalty, certainly in cases affected by any shadow of doubt. In eight of the murder cases recorded in my book, no crime had been committed at all. No one was murdered. In six of them, the alleged murdered person turned up hale and hearty after his supposed murderer had entered upon his sentence. Only the merest accident and rare good fortune saved many of these men from execution. Presumably, if they had not had such hairbreadth escapes — as in Purvis' case, where the hangman's rope providentially broke — their execution would have proved that they were guilty and not innocent. Most of them were convicted on circumstantial evidence, in whole or in part. The error was often discovered only after years of incarceration, but the mere sentence to life or long imprisonment on an unfounded charge, with no prospect of uncovering the truth, is enough

to shatter any man, no matter how much time elapses before the truth is discovered. Nor do the cases in which the state admits that the convict was innocent exhaust the cases of palpable error. Governors are often loath to admit publicly that such mistakes have been made, and prefer to rest the pardon on grounds not conceding the defectiveness of the machinery of justice.

There is no suggestion advanced that in most cases justice does not function properly, or that many morally and legally guilty persons do not escape punishment. And when the wrong man is convicted, it is not always attributable to the malevolence of prosecuting officials, but rather to a mistake of witnesses, to perjury, and to circumstantial evidence, all of which misleads the jury. The administration of justice is in human hands, and in spite of the safeguards which surround the accused, errors will occur.

What makes circumstantial evidence inaccurately point in the direction of guilt rather than innocence is usually the presence of collateral facts or circumstances: the previous record of the accused, the proved error of an alibi, erroneous assumptions as to motives, misplaced reliance upon witnesses or "experts", erroneous identification, and a variety of minor contingencies, including public hysteria and demand for a victim. These tend to turn the inferences from one direction into another, and once the hypothesis of guilt is formed, circumstances will, if possible, be interpreted as sustaining this hypothesis. To determine who is right is then often a matter of weighing probabilities, and of guesswork. In spite of the utmost care and good faith, prosecutors and juries make mistakes. The assumption that circumstantial evidence is infallible, or more likely to be infallible than direct evidence, is hardly sustained by experience.

PORTLAND: ATHENS OF THE WEST

BY JAMES STEVENS

OREGON is the only state in the Republic that has ever reveled in the services of an official Commissioner of Literature. This attempt to prime art with a political pump was made in the roaring days of Chicago poetry and Greenwich Village prose. When the noise of these movements began to thunder nigh the Pacific, the editor of the *Portland Journal* was infected with the idea of boosting home literature into a commodity equaling Willamette Valley prunes and the bald-faced beef of Harney County. The selected slogan was "Make Oregon the Indiana of the West!" Journalists and club secretaries in all corners of the state began to whoop it up.

One lofty result of the booster campaign was the creation of a literary department by Governor Walter (Tax-Buster) Pierce. The new commissioner was a lady who had to her credit a book entitled *Tilly of Tillamook*, a romance in which the bucolic virtues and the cream cheese of Tillamook County were impartially extolled. Madame Commissioner was going great guns, bombarding Eastern editors with explosive blurbs about the authors of the state, when the Republicans supplanted the Tax-Buster with a pious salmon fisherman, and the literary office, alas, was crowded out to make room for deserving Prohibitionists.

But the boosters of regional art were undismayed. The state-wide stampede they had launched could not be headed.

In Salem, the capital, Colonel E. Hofer led the rush with his immortal *Lariat*, a poetry magazine. Other yearling literary periodicals swiftly hit the trail for Art and Old Oregon. Every village yielded at least one poetry group to the cause. Job printers became book publishers over night. In Portland two contributors to the pulp magazines were admitted to the Rotary Club and the golfing set, and they gave generously of their knowledge to the service luncheon and the booster banquet. Thus Oregon was made conscious of the literary endeavors within her borders. Men and women of humble callings were inspired to dream. Loggers, fishermen, ranch-hands, and cascara-bark-strippers—I was one of the host—took up the pen and went to it. Painters and sculptors appeared from all parts, to roll up their sleeves and pitch in. Embryo musicians also claimed their innings. There was a riotous rash of Little Theaters from Wallowa Valley to Coos Bay. All Oregon throbbed.

Small wonder that Alfred Powers' recently-published *History of Oregon Literature* runs to more than six hundred pages, or that it differs so vividly from the usual academic tome. For Oregon cultural movements have had red blood in them. They began with the fur-traders, with the like of Ewing Young, who packed a two-volume Shakespeare over the Oregon Indian trails. They boomed with the wagon-train pioneers of the early

'Forties, who had a literary society going full blast at Oregon City, the territorial capital, and were publishing a literary newspaper—Edwin Markham's mother contributed poems to it—while California was yet a Mexican province. So the Oregon art movement of the nineteen-twenties was a sort of regional renaissance; Portland was its capital; and Western boosterism was its animating spirit.

The best brief example of this spirit that I recall was in an editorial which appeared in the crusading *Journal*. California, the writer claimed, had stooped to the perfidy of shipping Oregon prunes to the East under a California brand. Then, worse, when the Oregon George Olsen and his dance orchestra made a huge success in New York, California claimed the popular musician as a product of the Golden State. "California is not content with stealing credit from Oregon prunes," brooded the editorial somberly. "She has now gone the limit by robbing Oregon Art of its rightful glory."

By such means the temper of a holy war was pumped into the movement, and it could not fail. Thus today, Portland's major claim to metropolitan distinction, aside from her boasted communal morality, is in her artists, especially the literary, and in the public attention that is lavished upon them. No Portland personage, excepting the city's bishops, is more generally venerated than Ben Hur Lampman, the veteran poet and nature-writer of the *Morning Oregonian*. Dean Collins, poet and radio dramatist of the *Journal*, ranks close to Lampman as a favorite son. Both newspapers hire poetry editors, as well as book-page conductors. Every week Oregon bards swarm to the Sunday papers, to twitter and sigh from veritable forests of poetry columns. The shrewd reader never misses them. Each

excursion is rewarded by at least one liting lyric of gay abandon, such as:

No one knows where I came from,
None cares where I am bound;
For I'm just a human tumbleweed,
Tumbling along on the ground.

Portland supports a publishing house, the Metropolitan Press, which prints regional books and sponsors local poets on the radio. Portland has, also, her *Northwest Literary Review*, a periodical that serves as a meeting ground for writers and readers of the area. Even the trade magazines of the town print poems and book reviews. When I was a sawmill laborer in Portland I used to sweat ballads for the *4L Lumber News* in my free hours. I even had several lumber-mill colleagues, one the P. L. Chance who wrote the undying:

Now our mothers and wives can go,
And get theirselves a seat
In our motion picture show,
Without setting next to a Greek.

But in my early Portland years the going was comparatively hard for struggling literary men, as I lived there before the boosters had taken over the arts. In my time the Webfooters—as the natives of the Portland region call themselves—took their local literary products as a matter of course. They were proud of the poetry of Sam Simpson, the editorials of Harvey Scott, and the novels of Eva Emery Dye, but they did not celebrate them vociferously. Their main concern was the commercial war they were losing on all fronts: the trans-Pacific trade that was going to San Francisco; the inland-empire traffic that was increasingly routed over the mountains to Seattle; the Alaskan monopoly of the latter port; the rise of Tacoma as a lumber capital; California's new gold discovery—the tourist in-

dustry. Even in the World War boom, Portland lost ground. Seattle and San Francisco hogged the richest shipbuilding contracts. Tacoma and other coastal ports grabbed the government's airplane spruce contracts. Portland tried to smile over large orders for army prunes.

The smile was brave, but forced. The gloom of a Willamette Valley fog lay behind it. As the 'Twenties boomed on, with prosperity roaring in golden torrents for Puget Sound and California, the Webfoot loyalists were ready to give up. They did abandon the Portland Rose Festival, as Pasadena's Tournament of Roses flourished into a national event from the stimulus of championship football games. They were about to fall back on the rock of community piety, Portland's unquestioned mark of supremacy among Pacific Coast cities, when they became culture-conscious. The Webfooters awoke to native literature, and hoped anew. In Old Oregon the spirit of Athens was reborn.

It was by no means an artificial boom. The art spirit had been fertilized by many young devotees of beautiful letters, who had toiled happily on, untroubled by the civic neglect. Poets and novelists were discovered over all Oregon, once the boosters caught the scent and bayed forth. Up at The Dalles, in the famed orchards of Hood River, in the remote sagebrush of Harney County, on the Prineville and Pendleton ranges, they found the *litterateurs* sweating at their toil. In the metropolis itself there was an author for every rose garden. Such a prodigious literary crop was not to be ignored. There were dauntless men of vision among the forlorn boosters of Portland, and in Oregon literature they saw a hope. They lifted a fighting yell, and went to it. Thus the astounded Webfoot authors found themselves pushed to the fore of a gigantic campaign, under

glittering banners and led by bands. They replaced the port developers, power-dam promoters, rose gardeners, realtors, highway builders, timber barons, fruit-growers, and reclamation messiahs of the years of defeat. San Francisco was again defied, and a new challenge roared for Puget Sound. The bards marched, flaunting the booster badge of enameled tin. The battle cry, "Make Oregon the Indiana of the West!" reverberated from the Pacific foam to the Nevada sands.

II

There was some mutiny in the artists' ranks, and a few were guilty of outright desertion, but most of the authors proved to be good soldiers. First captained by Madame Literary Commissioner, then by Colonel Hofer, lionized by the Parent-Teachers Association, decorated by Rotary, the authors of Oregon were in clover. Portland yielded them a variety of special privileges. A corner was furnished for the poets in Gill's giant bookshop, with lounges and chairs, shelves of books, an inscribed fireplace, and paraphernalia for literary teas. The Portland Press Club, housed in a pioneer mansion, offered food and beds to writers at low rates. Before Repeal, properly-introduced authors got free liquor from an official Portland source, which I, a beneficiary, must leave nameless. There were several wealthy Portlanders who bestowed their summer cottages on poor poets and painters, from autumn to spring. Trips to logging camps, river voyages, scenic motor excursions, and even aeroplane rides were lavished on writers by the Chamber of Commerce. Finally the organized Webfoot authors received the ultimate in American public attention: Portland politicians began to compete for the literary vote.

Portland, which was almost named Boston by the pioneers, was Athens at last. Culturally, Seattle was reduced to the rank of a provincial town. San Francisco, yet holding supremacy in Pacific commerce, lost ground to Portland in literary production. Colonel Hofer, in the *Lariat*, could proudly print graphs which revealed a consistent rise in the gross feet of iambic pentameter produced in the Willamette Valley. The California poets began emigrating to Portland. Novelists and dramatists from all points west of the Rockies converged on the Oregon Athens. A golden age dawned like thunder.

But soon there were clouds on the horizon. One rose from the militant righteousness of the general Portland population. This spirit is an inheritance from the Oregon pioneers, who named their new capital Salem. Ever since the days of Marcus Whitman and of Joab Powell, the Portland region has produced prodigious gospelers. Here Rabbi Wise and the Rev. J. Whitcomb Brougner were boosted into holy fame. Here Dr. Clarence True Wilson became a Methodist hero. Portland was the late Dr. Billy Sunday's golden town, the starting point of many pilgrimages to the apple-ranch sanctuary of the evangelist. And so the common life of the metropolis has always been lethargic and humdrum, compared to that of San Francisco and Seattle. The best that Portland offered the womanless men who roared in from the winter work camps of an earlier era was restricted brothels and tough saloons in the North End. So the majority of frontier laborers took their winter stakes to San Francisco, and the Barbary Coast. The bully boys of the Inland Empire headed for Seattle and the glittering dives of the Skidroad. The smaller lumber towns on the

coast, and the ranch towns east of the Cascade Mountains, were far more hospitable than Portland to men in quest of what Northwesterners call a hi-yu time. Today, when the sporty Portlander goes on a spree, he heads for such outland orgies as the Pendleton Roundup.

Thus the Webfoot boosters of the 'Twenties, who had privately mourned such sacrifices to piety, found consolation in their new literary culture. Some of them hoped that Portland's authors would be a liberalizing influence. At service club luncheons, salesmen who had been around talked of Telegraph Hill and Greenwich Village, and prophesied a comparable colony. There were even dreams of a Portland Bohemian Club. But too soon they faded. The generals of the campaign were all belligerently pious—were Webfooters first and Athenians afterward. Colonel Hofer, on his recruiting tours, promised to purge American literature of the evil influence of Dreiser, Cabell, and Anderson. The Portland *Oregonian*, guardian of the region's morals, not only hurled editorial abuse at Hofer's villains, but put the scarlet letter on every local writer who did not conform to Webfoot Puritanism. The Portland *Telegram* denounced a performance of Ibsen's *Ghosts*. The *Journal* urged the local literati to "keep clean" as ardently as it pushed the demand to "Boost for Old Oregon!"

There was scant resistance among the literati and kindred artists. One architect did go so far as to emblazon the façade of a new downtown building with a frieze in which stone maidens revealed hewn breasts and thighs. The *Oregonian* erupted in a volcano of moral indignation. All the artists in town scuttled for cover. Standing alone, the architect and his builder hoisted the white flag, in the shape of a drapery over the frieze. It

bore, however, a parting shot. On it, in giant letters, was painted, HONI SOIT QUI MAL Y PENSE, and the legend was left to perplex the passing Presbyterians until the stone maidens were chiseled into oblivion.

Another example, among scores, was an immigrant poet, who had received an academic appointment as patronage. One night he entertained literary guests until dawn. The party was as alcoholically dry as an Epworth League social, and it lasted all night simply because several folksong addicts were present with guitars, and stayed until the ballads were exhausted. The college authorities, however, pronounced the affair an orgy, and the luckless poet was not only fired but black-listed in the state. His successor got on famously with the Webfooters, for he attended church regularly, was a Lion in good standing, and invented the slogan, "Produce Pecuniary Prose".

The effect of all this, of course, was to silence the few yearning boosters and the meek majority of artists. All conformed to Webfoot Puritanism, at least in lip service. Some of them finally fled the region, as Edwin Markham, Joaquin Miller, and Charles Erskine Scott Wood had done before them. H. L. Davis did not stop until he was in the deeps of Old Mexico. The last I heard of Albert Richard Wetjen he was in the South Seas, and still going. Such free-spirited novelists as Vardis Fisher and Nard Jones kept great open spaces between themselves and the Portland literary pillories. Only one heretic of consequence lingers on the Willamette, and he has lately appeased the bishops by giving up strong drink.

The submissive authors who remain in Portland—and they are great in numbers—produce a stupefying quantity of words. The civic booster demands no

more than that they advertise Old Oregon favorably in their works. The pride of the town is a fictioneer who can write one story on the typewriter, dictate a second one, and listen to plot ideas from visitors, all concurrently. The boosters are proud to ballyhoo such word factories, because they themselves have failed to outpace San Francisco and Seattle in other fields. And Webfoot art never fails them.

III

Yet there are, as I have said, smudges on the golden dawn. It needs more than a badge of enameled tin to constrain the jealous heart of the poet, more than a Rotarian creed to keep fictioneers in gentle brotherhood. The literary frays of the Webfoot country are not bloodless, nor are they mere tea-table contests of old ladies, male and female. It must be remembered that Oregon Regionalism is a movement which was democratically inspired, that the people's press, the politicians, and civic leaders conspired to make a go of it, and that all artists were invited to pitch in. Cowpunchers, sheepherders, salmon fishermen, lumber-hookers, appleknockers, loggers, and other such brawny men were the main body of male recruits. The ladies came in mainly from the hop and berry camps, the veneer factories and plywood mills, the laundries, lunchrooms, and boarding houses, and from sagebrush homesteads. Oregon literature is of the people. That is why the hosts of Portland authors are commonly submissive to the bishops and the businessmen: as plain laboring folk they learned devotion to such authority. They are also accustomed to family brawls, and art has not softened them.

I recall but one Portland literary fray

which was characterized by intellectual subtlety instead of raw force. The fight started at an annual banquet of the authors. The feast was followed, as usual, by several hours of readings and inspirational oratory. Some of the poorer poets at the board had indulged too grossly in the dishes that Henri Thiele, Portland's peerless chef, had prepared. It was one of these minor bards who was guilty of the incident that led to battle. The poet of the evening, an ex-prune-picker whose works had been honored by quotation in Chamber of Commerce booklets, sighed the last line of his reading. At the closing of his lips he was rewarded by the conventional heaves of ecstasy that were his due. Handclaps should have followed, but they failed. For in the thick of the preliminary plaudits, the gorged minor bard toppled to the carpet, and vomited.

Ordinarily such an incident would have been glossed over. Present, however, was the arch rival of the prune-picker. He laughed, and his clique raucously followed his example. The banquet broke up, and the next day the arch rival celebrated the incident in a satire entitled *A Gastrological Critique*. The war that followed was waged on that high plane. For weeks the literary atmosphere of Portland roared with explosive sonnets and lyric blasts.

More typical of internecine conflicts was the bloody battle which broke out among the brawny fictioneers when they gathered in banquet formation for the purpose of plotting a newspaper serial. Each author was to do a chapter. By this time Portland boasted such a host of story-writers that a chapter from each one would have kept the serial in publication for seven years. Selection was in order, and the chairman of the meeting picked some sixty favorites for the job. One of the rejected fell into a passion and hurled

a stuffed tomato at the chairman's open mouth. It hit the mark, and in the next moment chairs were crashing and legs were being wrenched from the tables. The police passed the ruckus by. They were used to literary riots, and knew it was best to let the aroused authors go to it and work off steam.

When the noise of such affairs gets to the public ear, the bishops are dismayed and the boosters are chagrined. At odd times the civic leaders have lost faith, and turned to arts other than literature. Thus they once brought on Willem van Hoogstraten to create a symphony orchestra which would rival the best on the coast. The effort succeeded, but it cost a pile of money. So did efforts with grand opera and the drama, which also suffered rigorous censorship. In all similar enterprises, which included the art museum, the returns were too small for the expense involved. Besides, musicians, painters, sculptors, and actors were artists of special training, and could not be picked up in any sawmill or sheep camp, while the Webfoot Regionalists had clearly demonstrated that anybody who wanted to could become a writer.

So the Portland literary folk are steadily rising in power, despite desertions and mutinies. They realize, at last, the pitiful dependence of the boosters upon them. California continues to yield the winter tourist a sweeter climate, and to steal credit for Oregon prunes. Every summer, Seattle hauls in more Alaskan travel, and San Francisco triumphs in Oriental trade. The bully men of the outdoor industries still avoid Portland when they quit work for spreeds. Tacoma and Aberdeen stand at the top of the lumber industry. The Chinook salmon of the Columbia trails far in the wake of the Alaskan sockeye. And so it goes in all departments of

Northwest life, until the literary business claims attention. Then, and then alone, does Portland take a lead in quantity production.

But the Webfoot Regionalists are no longer satisfied with mere patronage and applause. There is discontent in Athens, forbidding shadows of the time to come. Grave talk is heard at the inner council tables of a literary *putsch*, to restore the author of *Tilly of Tillamook* to her former glory. The poets have even ventured to

dream of putting up the venerated Lampman for mayor, and of winning over Dean Collins of the *Journal* to his rival's cause by promising him the post of chief of police.

The boosters, of course, smile at such talk. But so did the pursy burghers of the German Republic smile at the gabble of the Nazis in the Munich beer-halls. The Portland literati swell in numbers, and they are fighting folk. They will bear watching.



THESE CLOUDS

BY EDWARD A. RICHARDS

THE high sun is gone that made dark shining
 Along the backs of slow-winged crows,
 And burnished the late oak leaves lining
 The meadows where the slow brook flows.

The brook, too choked with leaves to capture
 The blue of heaven if blue there were,
 The smoking sky, too gray for rapture,
 The smitten trees — all say defer —

Defer — wait — till the swing of weather
 Again shall show you color and height,
 And heaven and earth are drawn together
 With wings across the dawn, and light.

But never for us the sly refusing
 Of time that gives the days their pace;
 These subtle days are not bemusing
 That breathe slow mist upon the face.

One never need to look for heaven
 Or having it need wonder why.
 This misty earth is ours, and even
 Out of these clouds we make our sky.

THE FIRST MUNITIONS KING

BY JACK ROHAN

SCIENCE and invention have changed the status of many trades and professions in the last century, but none has been so adversely affected as that of the armorer, who has become, under technological classification, a "munitions baron". The primitive man who discovered that a stone fastened to the end of a stick could be thrown farther and harder than the bare stone, undoubtedly was set above his fellows by common consent. At least he was not branded as a menace to the safety of his tribe. Even churchmen saw nothing unchristian in the conduct of the Rev. Alexander Forsyth, minister of the Parish of Belhelvie, near Aberdeen, Scotland, when, in 1807, he invented the percussion cap, thus marking the first major improvement in firearms in 200 years and paving the way for modern rapid-fire weapons.

In past years there were always determined folk who disapproved of the business of forging weapons, but although arms makers were numbered by the thousands, among them a few master craftsmen who became famous because of the superiority of their work, there was no individual who produced lethal weapons in sufficient quantity to acquire a great fortune, and to stand forth as the symbol at which pacifist brickbats could be hurled. It was not until Samuel Colt of Hartford, Connecticut, invented the revolver and developed the machinery to make it cheaply and in quantity that an armorer was in position to reap wealth. Colt, by inventive

genius, skill in organization, and exceptional business ability, led the arms trade out of the desert of hand-to-mouth profits into the lush pastures of big business. There it remains today as the target for those persons who believe that, considering its nature, it is too sleek and comfortable, and belabor the industry stoutly, perhaps in the hope of driving it back to the hungry desert whence Colt rescued it. But surely Colt himself would be at a loss to understand such an attitude. He held a profound conviction that the competent arms maker was a tower of strength to his country and deserved amicable treatment. His own wealth he considered no more than his just due for having provided America with the greatest arms factory of the day, in spite of many setbacks and discouragements.

Born in 1814, seven years after the Reverend Forsyth had perfected the cap which made the revolver practical, Colt was eleven years old, and apprenticed to a farmer at Glastonbury, Connecticut, when he turned to the invention of a weapon that would fire several shots without reloading. His early experiments were disappointing. Lashing several gun barrels together he managed to fire them in succession by an electric spark, but the weapon itself was too heavy and clumsy for practical use. After a year or so on the Glastonbury farm, the boy inventor went to work in a textile factory at Ware, Massachusetts. His repeating firearm, for the

time being, had given place to a submarine mine, and toward the end of June, 1829, the people of Ware were informed by a crudely-lettered handbill that "Sam'l Colt will blow a raft sky-high on Ware pond, July 4, 1829".

The advertising brought a crowd. Sam produced the explosion, but, unfortunately, the raft had drifted from its anchorage above the mine. A great spout of muddy water splattered the spectators, to the detriment of their holiday finery and young Colt's popularity. Soon afterward he left Ware to attend Amherst Academy, where he brought himself to the verge of expulsion because one of his experiments set fire to school property. As a result of this incident, he packed up and went home to his father in Hartford. Convinced that attempts to educate his son were useless, the elder Colt sent the boy to sea as an apprentice on the brig *Corlo*, to Calcutta and return. But the lore of the sailor held scant interest for young Colt. He was still determined to invent a gun that would shoot five or six times without reloading.

With the *Corlo* drifting lazily in the Indian Ocean, Colt watched the helmsman swing the wheel and noticed that each spoke came directly in line with a clutch set to hold it. His imagination replaced the wheel with a bored cylinder, revolving so that its chambers came successively in line with a gun barrel. At last he had solved his problem. By the time the voyage was ended he had whittled out of a ribbon block a model of his revolver, and returned home convinced that he carried the key to riches. He was to be disappointed, however. His father, in thrifty New England fashion, refused to pay the prices demanded by first-class gunsmiths, and had the working models manufactured by a jack-of-all-trades who so botched them that they failed to function.

Thus Sam soon found himself back at Ware, with scant prospect of ever procuring enough money to purchase working models from a competent gunsmith. Yet, having acquired some knowledge of the properties of laughing gas, he set out on a tour of the country as a traveling showman, making the customers provide amusement for one another by their antics while under the influence of the harmless but intoxicating fumes. In this fashion he paid for the manufacture of the first revolver to function satisfactorily. Then, by borrowing, and evading creditors, he financed a trip to England where, while living on a shilling a day, he obtained his first patents. He was 22 years old when he returned to America.

Papers in hand he organized the Patent Arms Manufacturing Company, with a factory in Paterson, New Jersey, and an authorized capital of \$230,000, only a fraction of which was ever paid into the company treasury. This firm failed after nine years of precarious existence, marked by frequent clashes between Colt, who lacked the money to acquire control, and the factions which from time to time were in power. The management refused to permit the installation of machinery for mass production, as proposed by Colt, and would not allow him adequate funds for advertising and sales promotion. Government officials were cold to his invention, and the War and Navy Departments' experts ruled that his revolvers were "unsuited to the needs of the service". When the company finally was thrown into bankruptcy, Sam's patents reverted to him under the terms of his contract. Aside from these, all he had to show for his work was the fact that several thousand of his revolvers had found their way to Texas, where they were highly esteemed by belligerent Lone Star patriots.

Although convinced that if the world knew of his invention it would beat a path to his door, Colt had no means of broadcasting the information, so he turned to another phase of armament. Relations with England were strained and Colt believed that the American government would welcome another of his inventions with enthusiasm. This was a development of the boyhood toy with which he had bespattered the populace at Ware in 1829. He called it the Submarine Battery and was able to explode it from a distance by using a waterproof cable, which he had invented to carry the electric spark. With this infernal machine he guaranteed to protect any and all harbors from hostile fleets "without endangering the life of a single American".

By judicious distribution of stock in the Submarine Battery Company among politicians of influence, and by playing on the imagination of the public with spectacular demonstrations which threw up great waterspouts, he managed to obtain substantial appropriations from Congress for the manufacture of his new device. Three obsolete ships were given him and he blew each of them to fragments as they drifted over the mines. In all he received in cash and materials about \$100,000, but so soon as the danger of an armed clash with England had passed, interest in his invention faded and he found himself equipped only to manufacture a weapon which no one wanted.

"Stupid politicians," he wrote to his father, "take no thought for the safety of the country until war is upon it. Then they have no means of defense because the inventors with the ability to provide it have been starved to death by neglect of government."

But Sam Colt was not minded to starve, for he saw in the Morse telegraph a me-

dium for the use of his waterproof cable. He urged upon Morse his theory that the best way to string telegraph lines was to bury them in the ground or lay them along the beds of streams. Failing to convince the inventor of this method, he purchased the right to use Morse's patent in the establishment of lines designed to his own ideas. Laying his cable on the bed of New York harbor, he set up an observation station on Coney Island and linked it by telegraph with an office in Manhattan, so that he could deliver to a group of subscribers news of ships as soon as they were sighted, and place messages aboard them when weather permitted. Inasmuch as the information he offered gave merchants who possessed it a distinct advantage, he found no lack of customers and was soon showing a profit.

A small telegraph business, however, was not the goal of Colt's ambition. He wanted a fortune from his own invention and set about organizing other telegraph companies which would use his waterproof cable. He was promoting an "offing" telegraph organization in Boston when the Mexican War started, and was recalled to New York by an urgent message from Captain Samuel Walker of the Texas Rangers, who sought conference with Colt on "important government business".

II

Walker had been authorized to place an order for one thousand revolvers, at Colt's price, to be delivered with the utmost speed. General Taylor had been impressed with the effectiveness of the revolvers now used by many Texans, and had sent Walker to Washington to demand a supply of them for his own troops.

Colt did not possess even a sample of his revolver. Walker had left his own

weapons with a friend on the firing line in Texas. Together they combed New York in vain for a sample. They next advertised for one, but without success. All the guns manufactured at Paterson apparently had found their way to the Southwest. Sam pointed out that had the government formerly given him support, it would now have a supply of revolvers available. Although grumbling, he lost little time in finding a way. To Eli Whitney, who owned a first-class machine shop, Colt let a contract for the barrels and the larger parts of 1000 revolvers. Other parts he obtained elsewhere, and then assembled the weapons in a small plant of his own. He had a two-fold purpose in employing this method. One was to test his theory of standardized production, the other to keep Whitney from learning what it cost to produce the completed arm.

While the first revolvers were being made, Colt established a small factory in Hartford, taking option on additional space although he did not deem it probable that he would ever need the entire building. His past experience with the government led him to the conviction that as soon as the Mexican trouble was ended, national defense would be neglected and orders for revolvers suspended. His estimate of the future course of the government was correct, but a set of circumstances—some of which he found annoying at the moment—combined to advertise the value of his invention throughout the world. A group in Congress—Colt charged they were inspired by Whitney—raised a clamor that Colt's price of \$28 each for his revolvers was exorbitant. They demanded that the government either manufacture its own pistols or cease using them. President Polk explained that the government could not make the arms without Colt's permission, and that Sam

demanding a higher price than the government was willing to pay. But the proposal to curtail the use of revolvers by troops brought a roar of protest from officers in the field and from their friends at home. This controversy, in the midst of war, attracted world-wide attention, and set the heads of various governments to wondering about the properties of the weapon which could cause such disturbance.

Refusing to give Washington any information concerning his profits, Colt took occasion to remind the public that the government had forced him, as a patriotic duty, to abandon his telegraph business "to save the army from the penalties of previous governmental incapacity". Meanwhile, the Mexicans were being soundly whipped by American forces of inferior numbers. Although there were not enough revolvers in both the Texas and American forces to have affected the campaign so decisively, Sam had no qualms about claiming the credit, and the Mexicans, glad of any excuse for their pitiful showing, did not contradict him. Indeed, as soon as the war ended, every Mexican who could beg, borrow or steal the price of a Colt revolver wanted one, and somewhat to his surprise Sam did not have to close his factory when, as expected, the government ceased its purchases. Foreign countries placed small orders, presumably to see if Colt would fill them. At the same time, pioneers and gold seekers, Westward-bound, provided him with a lively domestic market. Affluent for the first time in his life, and forced to expand his plant, Sam halted his promotional activities long enough to gaze over the world and take stock of the arms markets.

He studied the policies of Louis Napoleon in France, of Cavour in Sardinia, and of the British, Austrian, and Russian governments. He decided these policies

would inevitably lead to armed strife and, while he had no mind to promote war — his invention being “an instrument of defense for nations and of protection against thieves and robbers for honest men” — he deemed it sound patriotism to profit from the quarrels of foreigners so that he might maintain a factory for his country’s future needs. Forseeing the Crimean War, he set about providing himself with a plant that could be expanded at short notice. He bought a great tract of land on the Connecticut River, erected a huge dyke to keep out the spring floods, and built the first unit of the factory on the spot where the arms bearing his name are still made today. Then he went to Europe.

After visiting all the capitals he finally reached Constantinople, where, by judicious use of money, he obtained an audience with the Sultan. After presenting the ruler with a pair of richly-engraved revolvers, Colt inadvertently let fall the information that the Russians were outfitting their forces with six-shooters. He neglected to mention that they were buying revolvers because they had been informed the Turks were doing so. Thus he carried substantial orders from both nations when he returned to Hartford.

The London situation, Colt felt, needed more delicate handling. He suspected that the British army would frown upon any weapon, regardless of merit, if it was not made in England. So he opened a factory in London and attempted to man it with British workers; but these artisans refused to have anything to do with standardized production and Sam was compelled to import his own master gunsmiths from Hartford. This system, however, stirred discontent among the British, who regarded him as a Yankee interloper, by no means equal to the British arms experts. He intensified this hostility when he sub-

mitted a bid to the Ordnance Department for muskets, explaining that if given an order for one million pieces he would supply them for thirty shillings each.

Now it was bad enough for him to foist a newfangled shooting iron on Her Majesty’s subjects, but when he tried to divert the manufacture of the regulation infantry arm from loyal Britons, it was not to be borne. Such a cry arose that a parliamentary investigation was ordered, its object to discredit Colt and establish the claim that British-made arms were superior. But by the time Colt had finished explaining his methods of production, the transcript of the inquiry read not unlike a testimonial for Samuel and his products. The British themselves did not know exactly what to do, so they did nothing until the Crimean War was upon them. Then they were forced to buy such arms as Colt would supply at his own prices.

Sam was always the epitome of neutrality. At least one consignment of revolvers made in his British factory was delivered to Russia while the war raged. The Russians also were willing to buy muskets if they could place one of their own inspectors in Hartford. But this they felt was impossible with the British navy in control of the seas. Colt, however, admitted no such obstacle. Let the Russians find him an officer of German countenance and speech, and he would guarantee to transport him to America. One Colonel Golluf was produced and after parading him about London for a fortnight, Colt landed him safely in Hartford. Golluf, posing as Sam’s valet, had excited no suspicion in London. The British were openly amused by the airs which that Yankee bounder, Colt, was giving himself, when every one knew that a few years back he was living on a shilling a day. . . .

The Russian contract rounded out the neutrality of the Hartford production schedule. The factory already was manufacturing arms for the Sultan, the King of Sardinia, for Austria, and for Prussia. So Sam next concerned himself with developing an outlet to warrant full production after the Crimean War ended. Since his own government refused to provide for national defense, it behooved him, he felt, to keep his factory in operation.

Turning his eyes toward the Orient, Colt reasoned that the Asiatic peoples eventually would resent interference by foreigners. He predicted that even Japan would provide a market for revolvers in time. So when Commodore Perry prepared to sail for the Far East, to open the door of Nippon, the Hartford arms master provided him with an assortment of presentation revolvers. There is no record of the reception accorded the weapons by the Shogun, nor is it known whether any of them found their way into China, but the King of Siam sent Colt gifts in acknowledgment of his offering.

Members of a rebel Cuban junta purchased revolvers, and Colt promptly sent to the governor of the island a presentation piece, with the hint that inasmuch as Colt could not prevent rebels from buying the arms, it might be well for the governor to know what manner of weapons his enemies possessed. Another rebel group whose purchases opened a new market was composed of Irish refugees, most of them members of the Fenian brotherhood, sworn to harass England. All these purchases were for shipment to Ireland—where Sir Robert Peel was forced to arm his police with revolvers as a matter of course.

Next came the Know-Nothings, a society bitterly hostile to Roman Catholics, which appeared in New York in 1853.

There is ample documentary proof that the Know-Nothings feared the Irish planned to seize the government and set up the Pope as king. When they learned—in some manner best known to Sam Colt—that their enemies were buying revolvers, they set about arming themselves. For the trade, Colt provided a handy pocket revolver of .31 caliber, weighing about a pound, and although the arms were fated to rust in the pockets of their owners, it is probable that Colt sold as many weapons to the Know-Nothings, fighting a chimerical menace, as he did to King Victor Emmanuel, who stripped the Popes of temporal power.

One transaction caused him twinges of conscience, although he insisted he was not responsible for a result he had no means of foreseeing. Finding himself with obsolete muskets on hand at the close of the Crimean War, he disposed of them to traders in the Northwest Territory, with the understanding that they should be sold only to peaceful Indians. However peaceful the Indians may have been before the muskets (and probably some firewater) came into their possession, they soon suffered a change of heart. The Snakes, Sioux, Cheyennes, and Arapahoes took the war path and started hunting paleface scalps instead of beaver pelts. The government was forced to send cavalry into the territory, and found it expedient to arm the troopers with revolvers. Colt regretted the Indian uprisings, but argued that had the government maintained proper garrisons in the Indian country, they could have been averted. He held similar views regarding Kansas where anti- and pro-slavery partisans were murdering one another—as often as not with Colt revolvers. Any government worth its salt, Sam declared, would have halted the Kansas outrages. Not that he

disbelieved in republican institutions. He revered them, as well as the principles of democracy, but he had a low opinion of the officials elected to operate the machinery of popular government. His views of public servants are forcefully set down in a letter to his half-brother William (with a fine disregard of grammar):

To be a clerk or office holder under the pay and patronage of the government is to stagnate ambition and hope. By heavens, I would rather be captain of a small boat than to have the biggest office in the gift of the government, and secretary of state says in all his diplomatic intercourse "by direction of the President of the United States I do so and so". The very language is that of servitude and the soul that can do it is a slave. I have never forgot a saying, almost the first that I remember in life, at least among the most impressive — "It is better to be at the head of a louse than the tail of a lion". . . . Don't for the sake of your own good name think again of being a subordinate officer of government. You had better blow out your brains at once and manure some honest man's ground with your carcass than to hang your ambition on so low a peg.

III

Sam had traveled a long way from the writing of that letter to the day a decade later when a British sloop of war was anchored off his plant, awaiting a consignment of revolvers for South Africa. He had built for himself overlooking his factory a rococo mansion surrounded by extensive lawns, with ponds, statuary, and fountains, not to mention a deer park, which was the envy of his contemporaries. Yet there is little doubt that his heart was in the factory and not in the strongboxes which held his cash. He foresaw the Civil War, and in face of the fact that it promised to make him the richest man of his day,

he did everything in his power to prevent it, spending money lavishly to elect candidates who he believed could avoid a clash between North and South. Sooner than most, however, he realized war was inevitable and began preparing his factory to supply arms to the Union.

When the war came, Colt was crippled with rheumatism. With most of the nation's munitions in Southern arsenals, his plant promised the one source of supply for Northern troops. Lincoln turned to the Hartford arms maker and Colt dragged himself from a sickbed to drive his factory and his workmen to the utmost — not sparing even himself. His prediction that the plant would be sorely needed one day now having been vindicated, he next advised Lincoln to prepare for a five-year war, with one million men under arms. The public's reply to this prophecy was that illness had affected Colt's mind — everyone knew the conflict could not last six months. Nevertheless, Colt started expanding his plant at top speed in preparation for a long war. His exertions brought on an intensive attack of his chronic ailment, which ended in his death on January 10, 1862; but his factory was in such condition that had it been required to do so, it could have armed all the Union forces, although more than two million men finally were called to serve.

Never before had a nation, much less an individual, possessed a factory capable of turning out arms in such quantity. Yet the very genius which made of Colt the greatest arms master also made of him the last. Aside from the fact that only a group of shareholders could provide the vast capital needed for operations in the Colt manner, there was also the certainty that men who combined in their own persons — as did Colt — unusual inventive, financial, executive, and merchandising talents, ap-

pear but seldom. Thus the only logical successors to Colt were corporations which, in addition to utilizing collective capital, could distribute among a group of executives the functions a genius had exercised himself. The development of Colt's system by wealth was certain to arouse the popular dislike and distrust which have been the lot of every large and profitable

business in America. When the last master arms maker passed on, bequeathing to his corporate successors the first real prosperity the craft had ever known, it was inevitable that the armorer's prestige should pass with him, a votive offering to those ancient arms smiths who too often felt the gnawing of hunger as they hammered the temper into a Crusader's sword.



THIS SINGING BRANCH

BY MARGARET TYNES FAIRLEY

LOVE me not unless that love is part
 Of some unmeasured thirst I could not fill,
 Although the day-spring fountains in my heart
 And in my speech. Oh, let a lightning skill

In loving nerve our cloudy sky with clean
 Precision, light its face with such alarm
 Of beauty that the revelation seen
 One moment stays to strengthen and to warm.

Love me not unless that love is grafted
 Deep on the tree that faces east and west,
 Whose fruit no mortal man has tasted,
 Then sunk into a dull and wordless rest.

Oh, let my love be like a singing branch
 Where four winds meet and argue with the year;
 And growth and danger and unmindful chance
 Rounds a fruit that lives on fact, not fear.

So shall our love grow from the larger love
 Of living, and in its boughs the eagle
 Nest, and storm and sunny stillness prove
 A measured strength, green-leafed and regal.

THE CLINIC

The Senatorial Diplomats

By ROYDEN J. DANGERFIELD

WHO controls the foreign policy of the United States? In 1919, Woodrow Wilson assumed it to be the prerogative of the President; but in 1920 it was evident he was mistaken and that the Senate actually was in control during the period of the attempted ratification of the Treaty of Versailles. Henry Cabot Lodge seemingly insisted that, while foreign relations might be a duty of the Department of State, a very important control must reside in a handful of senators. The framers of the Constitution, while failing to answer the question definitely, provided that the President, with the advice and consent of the Senate, should make treaties. From that constitutional arrangement can be drawn a justification of Wilson's stand, as well as an equally strong case for the contention that the Senate occupies a co-ordinate role. Thus, the struggle for control, beginning with Washington's administration, has continued to the recent defeat of the Roosevelt-sponsored World Court protocols. It has been a bitter fight with few rules and no finesse. Out of this long conflict between President and Senate has emerged an institution of government that is often forgotten because it constitutes the somewhat hidden but most articulate part of one of the combatants — the Senate Committee on Foreign Relations.

The committee was born in a Senate resolution adopted in 1816, setting up eleven standing committees. It grew out of

the numerous select councils organized during the early years of the new government for the consideration of treaties, for with no precedents to guide it, the Senate had experienced considerable difficulty in giving advice and consent. It had tried verbal conference with the President, with the result that Washington stalked from the Senate chamber in sullen dignity and remarked that he would be damned if he ever returned. Failing to find a magic formula, the upper house adopted the expedient of referring treaties to select committees. Because they had become familiar with the problems involved, certain senators were placed upon one select group after another until there actually was born a small coterie of men who, to all intents and purposes, constituted a standing council.

The Committee on Foreign Relations did not assume the position it now holds until the early 1840's, and even then its power was rudimentary when compared to that it enjoyed during the period following the Civil War. The accretion of authority has come about through continuing personnel, and the preservation of tradition and sacerdotal prerogatives. As battles with the Chief Executive in the field of foreign affairs have been won by the Senate, it has become the peculiar function of the committee to preserve the gains made and to insure that return engagements do not result in a loss of ground.

Consisting originally of five members, the committee retained that size until 1857, when two more were added. Until 1900, it never boasted more than eleven members and consisted of from eight to twelve per cent of the total Senate membership. At the present, nearly twenty-five per cent is to be found on the list. This growth is significant, since the size of the council is determined by the demands of senators for seats thereon. The demand, of course, has increased in direct ratio to the political importance of the committee members.

At first, members of all Senate committees were chosen by secret ballot, the senator receiving the largest number of votes being designated as chairman. It was not until 1826 that the rule was amended so as to insure committee chairmanships to the majority party. Later, the power of selecting committee members was given to the presiding officer. From 1826 to 1845, the committees were sometimes named by the presidents *pro tempore*, the vice-presidents, and sometimes by ballot.

In 1845, a bitter struggle ensued over the selections, and a new method was inaugurated. The majority party, in caucus, named the majority members of each committee, and the minority caucus named the minority members. These two slates were merged and the whole Senate designated the personnel. This method has been followed since that time, each party being granted the same ratio of committee membership as it has of the total Senate voting strength.

Once assigned, a new senator remains upon the committee until death, resignation, or electoral defeat removes him. In a few instances, members have been dropped when their party strength in the Senate declined so perceptibly as to necessitate a

reduction of committee representation. In 1918, Senator Joseph T. Robinson was assigned to the committee, but the Republican landslide of 1918 resulted in a reduction of Democratic strength and Robinson was not reassigned in 1919. In 1924, he was once more appointed, and has remained a member since that time. Senator Bronson Cutting was assigned in 1931 and reassigned in 1932. Then the Roosevelt victory reduced the Republican strength and Cutting was not reassigned in 1933. Yet in 1935 he was once more placed on the committee and remained there until his death.

Just as the Senate committee system evolved through an unconscious conformity to a particular method of handling legislative and executive matters, so has there also evolved an unwritten rule of seniority. Under this custom the chairman of the Committee on Foreign Relations almost invariably is the representative of the majority party who has served longest in the council. Since 1850, there have been seventeen chairmen. Senator Lodge served twenty-four years before being named; Key Pittman, the incumbent, served eighteen years. He came to his present office by virtue of the fact that, politically or otherwise, he survived all his Democratic predecessors other than Senator Swanson, who was elevated to the Cabinet.

During the past century, committee seats have been occupied by one hundred and ninety men. Three-fourths have held degrees from accredited colleges; ninety per cent have been members of the bar. Before assignment to the Committee on Foreign Relations, these legislators have served an average of nearly three years in the House of Representatives and nearly five in the Senate. Their ages have varied from thirty-five to seventy-six years, the

average being fifty-four. They have served for terms varying from one to thirty years, with an average of five and two-thirds.

The question has been raised as to whether these members have been adequately trained and equipped to handle the particular tasks of their office. To this, there is no satisfactory answer. A careful study of the personnel of the committee, however, leads to the conclusion that it would be difficult to select, from persons in public life, so large a group of well-trained men. There is little doubt that such legislators as Clay, Webster, Sumner, and Lodge may be termed as able and well-informed as any in the annals of the Senate.

The handling of treaties, of course, remains the most spectacular function of the committee. Here the power of the committee is most apparent. It not infrequently happens that the chairman is able to postpone, for long periods, the consideration of a treaty. And, even though the chairman is desirous of having a pact stand on its merits, the committee may refuse to take any action and thus withhold the document from the Senate. In his *List of Treaties Submitted to the Senate Which Have Not Gone into Force*, Hunter Miller has revealed that between 1789 and 1931, there were ninety-four pacts upon which the Senate took no action.

In reporting a treaty, the committee sometimes offers no suggestion as to the action the Senate should take. But in the greater number of cases the document is returned with definite recommendations. These include: (1) the committee proposes approval by the Senate of the treaty as signed; (2) urges passage of the instrument with certain changes which may be made by amendment, reservation, or

interpretation; (3) asks the defeat of the treaty. A survey reveals that only in one-third of the cases has the Senate failed to follow committee advice. Fifteen treaties have been rejected, 150 have been amended. In a great majority of cases the Senate merely followed the committee's recommendations. Since one-third of these instruments did not succeed of passage, it is evident that the action of the committee produced serious results. In a few instances, the committee has disliked the original phraseology and substituted its own.

Infrequently the committee has attempted to initiate pacts through resolutions in the Senate, urging the President to open negotiations. This procedure was followed in the arbitration treaty with Great Britain, proposed in a resolution of 1890. Senator Borah was responsible, in part, for the calling of the Washington Arms Conference and for the Kellogg-Briand Pact. Moreover, acting as an agency for the formulation of public opinion, the committee has been able to conclude negotiations which have resulted in treaties. On at least two occasions, it has discussed proposed international agreements with foreign diplomats. In an effort to secure Senate approval of the treaty of 1867, ceding the Danish islands to the United States, General Rassloff, the Danish Minister of War, testified before the committee. In 1914, the Nicaraguan minister was invited to appear for discussion of a proposed treaty with that country. Here the committee definitely usurped the function of negotiation which belongs properly to the Department of State.

With its position as an agent in foreign affairs well established, the committee has attempted to expand its role through enunciations of policy. In 1858, there was proposed a resolution, adopted by the Senate, declaring that United States vessels

on the high seas were not subject to search in peacetime. In 1912, the committee reported out the famous Magdalena Bay resolution, which declared that any attempt on the part of a non-American corporation to secure a harbor near the United States would be viewed "with grave concern". This resolution was directed against the proposed sale of a large tract of land in Lower California to a Japanese syndicate. The resolution was and is a cause for Japanese-American friction. In bringing about its passage, the committee virtually dispatched an ultimatum.

It is evident that the committee's importance has varied with its chairmen. It is even more evident that changes in the Presidential office have altered its position. Under the chairmanship of Senator Sumner, the committee first reached a position co-ordinate with the Department of State in formulating and limiting foreign policy. This was due to the congressional repudiation of President Johnson. The period of dominance came to an end during the Grant administration with the ousting of Sumner from his post. A revival of influence was produced by the close political division in the nation which often aligned Congress against the President, and placed the committee in an excellent position for playing party politics. This period of prominence lasted until the turn of the century.

The bitterest conflicts between the President and the Senate occurred in the period 1899-1919. These two decades witnessed the emergence of the United States from the status of a secondary world power to that of first rank. The conflicts were produced by an effort on the part of the Executive to regain complete control over foreign policy. The committee was challenged by a strong executive when

Theodore Roosevelt came to the Presidency. The struggle grew more intense toward the end of the period, leaving in its wake the defeat of the Treaty of Versailles. During the Harding administration the specter of a militant committee chairman — Lodge — definitely marked the foreign policy of Secretary of State Hughes. During the Coolidge and Hoover administrations, foreign relations were conducted with one eye on foreign powers and the other on the chairman — Borah. The average Frenchman might not have known the name of the American Secretary of State, but he was most eager to learn Borah's opinion. The peak of the Idahoan's influence was reached when Premier Laval visited President Hoover in 1931, for it was not to the White House, nor to the State Department, but to the office of Borah that the thirty accompanying French journalists flocked. There Borah told them a rectification of the Polish-German border was necessary. Two days later, he lectured the Premier on the inequity of the peace treaties. Certainly Borah invaded the prerogatives of the President. Moreover, there is little doubt that he did so with the full consent of the American people. Here was diplomacy carried on by the chairman of the committee with such gusto and effrontery as to steal the show from the President of the United States.

Since the Roosevelt landslide of 1932, the Administration has been able to control its preponderant majority of the committee and its acquiescent chairman. As a result, the control of foreign policy seems to have returned to the White House and to the Department of State. But it is not absolute by any means, for the Senate may show its teeth without warning, as indeed it did in the case of the World Court protocols.

What Is a Reasonable Legal Fee?

BY HARRY HIBSCHMAN

THE pickings of certain lawyers, favored of fortune and of big business, have been so rich of late as to fill less lucky members of the profession with envy, and the man on the street with resentment. The latter reads, for instance, of such cases as that of Arthur Mullen, attorney and high politico of Nebraska, who demands \$175,000 of the PWA for services rendered in connection with two irrigation projects in his home state; he recalls how he himself had first to qualify for home relief before being allowed to earn even \$17 weekly; and he asks, what stupendous tasks do these legal moguls perform that their services for a few months' labor are worth more than those of a thousand ordinary citizens? In fact, he may well ask is the time of any man, professional or otherwise, worth such a vast sum?

If, however, the bewildered layman appeals to a lawyer for information, he receives only evasive generalities. For the truth is that of all the mysteries of the law, one of the most profound is that which involves the basis for computing legal compensations. Thus, according to testimony offered recently before the Senate Interstate Commerce Committee by the elusive Hopson and others, scores of the country's most eminent barristers were employed to fight the enactment of the Wheeler-Rayburn utilities bill, and received retainers of from \$12,500 to \$75,000. The above-mentioned Mullen of Nebraska was paid \$25,000, while John W. Davis, erstwhile candidate for the Presidency, was expected to charge more than \$50,000 for an opinion that the act was unconstitutional. At about the same time, Mr. Justice Dore of New York City

allowed the firm of Hays, Podell, and Schulman and associates \$477,773 for their services in a suit of stockholders of the National City Bank and its subsidiary, the National City Company, against a group of directors. This was approximately one-fourth of the amount recovered. So, if the judgment had been twice as much, the lawyers would have been entitled on the same basis to almost \$1,000,000, while if the recovery had totaled \$100,000, their fee would have been a mere \$25,000. Yet the labor performed in either case would have been precisely the same. Now, asks the layman, is there any reason to this?

Of course, there are occasions when a learned judge is called upon to decide what constitutes a reasonable fee, this procedure offering the sole recourse for clients who feel they are being overcharged. As recently as October 23, 1935, Federal Judge Alfred C. Coxe in New York City ruled against "vicarious generosity" with stockholders' money and against payments to a "multiplicity" of lawyers and committees. In his decision, he drastically reduced nearly all claims in the receivership of the Paramount-Publix Corporation. Of the \$3,239,828 asked by fifty-three petitioners, including some of the most prominent legal firms in Manhattan, Judge Coxe allowed only \$1,026,711, or less than one third. He reduced fees for services from \$2,841,031 to \$766,426, and expenses from \$398,796 to \$260,284. Eighteen claims totaling \$815,750 were denied entirely. Including \$458,029 previously allowed, the total cost of the proceedings amounted to \$1,484,739.

Fifty years ago, there was a case somewhat similar to that of the National City

Bank, in which the amount recovered from the trustees of a defunct bank was \$115,000, and the plaintiff's attorney was allowed twenty per cent of that amount as his fee; but he had been compelled to prosecute eleven separate actions to earn it. Still more interesting is another New York case of 135 years ago, involving approximately the same sum, in which Alexander Hamilton and Aaron Burr appeared together for the plaintiff. They won, and Hamilton's fee was \$1500 and Burr's \$2900. Hamilton was then head of the Manhattan bar, yet that fee of \$1500 was the highest he ever received.

Fourteen years after Hamilton's death, the exactions of lawyers in New York State had become so onerous, in the opinion of citizens of Ontario County, that the latter petitioned the Legislature. The Senate appointed a committee to consider the grievance, and that committee reported as follows:

They are constrained to say that they have a strong conviction that the fees of attorneys, under the present law, are unreasonable and extravagant; that the labor of attorneys bears no relation to the amount; that strong reasons urge upon your committee the necessity of reducing their fees when they are compared with the same amount of labor of other professional gentlemen; that when comparison be made with the mechanic or the farmer, the contrast would go to prove that such disparity could not long be tolerated; that its continuance must depend on the secrecy of the fact or the ignorance or slumbers of the people; that unless those costs are reduced there is reason to apprehend that a great portion of the wealth and its concomitant blessings will be engrossed by the gentlemen of that profession.

It is somewhat difficult at this distant day to see how the existing circumstances justified such strictures, for the law at that time fixed a fee for every legal act,

beginning with the modest sum of \$3.62½ for a retainer and ending with \$3.75 for arguing a case. But there is this to be said in the committee's favor — they had definite ideas regarding standards. What was fair pay for the blacksmith or the farmer should be fair pay for the man of law.

But this is not the standard adopted by lawyers and judges today. As to what that standard is supposed to be, the editors of *Corpus Juris*, the most stupendous legal commentary ever printed, could not formulate the rule more specifically than in these words:

The amount of an attorney's compensation, when not fixed by the terms of his contract with his client, is measured by the reasonable value of the services rendered, not by what the attorney thinks is reasonable, but by the price usually paid to the profession for such services. No regular measure of value can be fixed.

But that leaves the matter as much of a riddle as ever. If reasonableness is to be determined "by the price usually paid to the profession for such services", then it becomes necessary to find out what is "the price usually paid"; and the difficulty here is that there are no prevailing scales. In fact it is extremely difficult to ascertain what lawyers are in the habit of charging, and it is only when they testify in behalf of some brother suing for a fee, or argue for an allowance in their own behalf, that they reveal the rules by which they profess to be governed.

It may be noted that little light comes from criminal cases, first, because the information about the fees is hard to obtain, and, second, because there are virtually no instances in which the courts have been called upon to fix fees, the Hauptmann case, in which Edward J. Reilly is seeking to recover \$25,000, being an exception.

Although John B. Stanchfield is said to

have received \$800,000 some twenty years ago to defend August Heinze, the Montana copper king, against a charge of misappropriation of funds of the Mercantile National Bank, and Max Steuer is reputed to receive a minimum trial fee of \$1000 a day, Delphin M. Delmas traveled from San Francisco to New York to defend Harry K. Thaw for the sum of \$25,000. Clarence Darrow received \$100,000 in the Loeb-Leopold case, yet there were many years when his total income was not more than a tenth of that. Earl Rogers, the Los Angeles criminal lawyer of a decade or two ago, averaged only \$100,000 a year. The writer himself once defended and cleared a prisoner charged with attempted murder, and received for his services \$50 and a shoulder of venison.

Seeking an instance in which the reasonableness of a fee was judicially determined, it would be difficult to find one more perplexing than that of the late Charles L. Craig against the City of New York for services rendered in litigation with the Interborough Rapid Transit Company over the five-cent fare. As comptroller, Craig had been happy to serve the city for a number of years at an annual salary of \$25,000; but for his services as the city's special counsel he demanded \$350,000 for eighteen months' work. The city rejected his claim and he brought suit. Among the witnesses for Craig was the eminent New York lawyer, Martin Saxe, who testified that the former's services were worth, for elements other than "time and labor", \$100,000, to which he added \$1000 a day for the 200 days when Craig said he had worked as much as fourteen hours a day, \$500 each for 218 days when he worked merely a normal number of hours, and \$250 each for 137 days while just "standing by", making a total of \$443,250. Edmund L. Mooney, also testifying for Craig, said

the latter was entitled to \$1500 a day for 171 days — the "long" days — and \$750 a day for 125 normal days, or a total of \$350,250. For the city, former Justice Jeremiah T. Mahoney testified that Craig's services were worth not more than \$75,000. Justice Edward J. Glennon, who had the task of reconciling this conflicting testimony, gave Craig judgment for \$125,000. Craig appealed, but the Appellate Division of the Supreme Court decided that Justice Glennon had allowed him all that he was entitled to; and that sum is what he received, plus interest and costs.

Another fee to puzzle the layman is the one allowed Martin Conboy for advising Franklin D. Roosevelt when, as Governor of New York, the latter had before him the removal proceedings against James J. Walker as Mayor of New York City. Conboy was retained by Roosevelt as special counsel and was brought into the case on June 13, 1932. Walker resigned on September 1. All told, therefore, the number of days devoted to the case by Conboy was only eighty. During this time he studied the record, attended twelve hearings, and gave the Governor the benefit of his advice. And for this he received \$25,000 from New York City. Roosevelt received that amount annually for serving the state as its Chief Executive, and Conboy soon afterwards accepted the position of United States District Attorney in New York City at a salary of a mere \$10,000 a year.

What the United States Supreme Court considers a reasonable fee may be gathered from a decision rendered in a case growing out of the misadventures of the Oklahoma Indian, Jackson Barnett, who by the grace of God and a liberal flow of oil on his allotted lands became a millionaire. Barnett had been adjudged incompetent and a guardian appointed by an Okla-

homa court. But, having been inveigled into matrimony and out of the jurisdiction of the Oklahoma courts by a clever white woman, he was induced to part with securities worth over \$1,000,000. His guardian thereupon brought suit in the Federal Court of the Southern District of New York for a return of the securities. The guardian won, and then arose the question of the amount to be allowed his attorneys. The district court judge set it at \$184,881.08. But the federal government was dissatisfied, and appealed to the Circuit Court of Appeals, where the amount was reduced to \$100,000. Still not satisfied, the government carried the case to the Supreme Court, and that august body held that \$50,000 was sufficient. In the face of these facts, where can a bewildered layman, or a groping lawyer, look for guidance?

Nowhere, however, is the lack of a dependable measure for determining fees more apparent than in receivership and bankruptcy cases. In a recent proceeding before Judge John P. Nields of the United States District Court at Wilmington, Delaware, His Honor shaved nearly seventy-five per cent off the sums asked by the trustees for the National Department Stores and their attorneys, and he reduced the claim of Jacob S. Demov of New York City, associate counsel for the trustees, from \$295,000 to \$35,000, pointing out that he had already been paid \$25,000, and that on a basis of \$30,000 a year, which should be ample, the sum mentioned would compensate him for his work, covering two years.

More lucrative than receiverships and bankruptcies are will contests and litigation over estates. Many a barrister has become financially independent by some lucky turn that brought him a client with a claim to the estate of a wealthy decedent.

In the Jay Gould estate, for instance, the total amount allowed the lawyers was \$2,703,635. Of this sum, Leonard and Walker, attorneys for Frank Jay Gould, received \$580,315, while Judge Samuel Seabury, as counsel for the same gentleman, received \$529,999. William Nelson Cromwell and associates were tendered \$569,864, and the Coudert brothers, \$151,909. In the Henry B. Plant will case, William D. Guthrie was allowed \$800,000; and in the Commodore Vanderbilt will case, Henry L. Clinton received \$400,000.

One of the most searching inquiries into the subject of fees was conducted by Judge Otis of the United States District Court at Kansas City in the Loose will case. The question at issue was the validity of a provision in the will of Harry Wilson Loose establishing a charitable trust, valued at \$4,000,000. Nine relatives attacked this provision, but the court sustained it. Following this litigation, Judge Otis was called upon to determine what compensation should be allowed the numerous attorneys. The judge appointed a committee of three prominent lawyers. The total asked was \$150,000. The total recommended by the committee was \$40,000.

But Judge Otis still had different views. He decided that four firms were entitled to be paid out of the funds of the estate, and to them he awarded \$34,000, \$20,000, \$2000, and \$1000, respectively. In support of his conclusions he wrote an elaborate opinion. Referring to the contention that the time devoted to a case by an attorney must be considered, Judge Otis said: "In that connection, one must consider also what time was reasonably necessary for the services rendered." In other words, the question is not how much time the particular lawyer spent on the case, but how much it would have been necessary for a competent lawyer to devote to it.

THE LIBRARY

Report on Rugged Proletarianism

BY ERNEST BOYD

THE GREAT TRADITION, by Granville Hicks. \$2. 6 x 9; 340 pp. New York: *Macmillan*.

PROLETARIAN LITERATURE IN THE UNITED STATES: AN ANTHOLOGY. Edited by Granville Hicks and others. \$2.50. 5¼ x 8½; 384 pp. New York: *International Publishers*.

FROM THE KINGDOM OF NECESSITY, by Isidor Schneider. \$2.50. 5¼ x 8½; 450 pp. New York: *Putnam's*.

A SIGN FOR CAIN, by Grace Lumpkin. \$2.50. 5½ x 7¾; 276 pp. New York: *Lee Furman*.

MARCHING! MARCHING! by Clara Weatherwax. \$1.90. 5¼ x 8½; 256 pp. New York: *John Day Company*.

WHEN Mr. Granville Hicks first issued *The Great Tradition*, of which this is a revised edition, Mr. John Strachey declared that "the American revolutionary movement has just had the signal good fortune to have been endowed with a large-scale work of literary criticism from a fully Marxist writer", from which we may safely conclude that Comrade Hicks is obediently toeing the party line in his "interpretation of American literature since the Civil War", to quote his subtitle. So that one reads the book to discover precisely what bright light a "fully Marxist" critic can throw upon the subject. It turns out to be the light of a strange confusion, for the implication is that the great tradition of American literature is a revolutionary one. "Ours has been a critical literature, critical of greed, cowardice, and meanness. It has been a hopeful

literature, touched again and again with a passion for brotherhood, justice, and intellectual honesty," Mr. Hicks explains — though it is difficult to conceive of a literature in Christendom of which this could not be said. Such characteristics are neither peculiar to American nor any other literature, and cannot, therefore, be said to constitute its specific tradition. Nor is that tradition in any of the world's literatures the inevitable precursor of what the author and his fellow-Marxists mean by proletarian. Some inkling of this obvious thought apparently occurred to Mr. Hicks, for he added: "That the writers of the past could not have conceived of the revolutionary literature of today and would, perhaps, repudiate it if they were alive, makes no difference." By starting out with this false premise of a tradition of protest as being an essential and indispensable part of American literature, the author, of course, finds himself at every turn criticizing or dismissing writers who failed to be what they were, not because they neglected to live up to his arbitrary test of excellence or merit.

Furthermore, while great literature has frequently criticized greed and has often been touched with a passion for justice, there has been great literature wholly unconcerned with these subjects. Still this book insists, in every chapter but the last, that American writers have fallen short of such a proletarian ideal. But if one compares even the contemporary figures whom

Mr. Hicks belittles in his first eight chapters with those whom he hails as proletarian geniuses in the ninth, it becomes evident that salvation by Marxism is a matter of pure faith rather than good works.

Just as the author, towards the end of his book, becomes conscious of a certain *non sequitur* in his theory of the great tradition, so at the outset he cannot help but anticipate the objection raised by his fundamental thesis. Thus he writes of Emerson, Hawthorne, Melville, and Thoreau: "It is idle, of course, to reproach them for not being something other than what they were; and yet it is only by understanding what they might have been that we can realize their short-comings and appreciate their failure to inspire their successors." And so Mr. Hicks dismisses as failures "these four men, the finest perhaps that our literature can boast". Whitman, on the other hand, who "came from the common people, liked them, kept himself close to them", found no audience for his proletarian yawp among them, and owed his fame to the devotion of a group of British college dons. Evidently the appreciation of literature is not to be determined by sociological rules of thumb, but by people of literary interests who are endowed with critical and aesthetic judgment.

It is, however, when Mr. Hicks comes to the writers of the present century that he throws all critical discretion to the winds. Having no established names to deal with, he simply wields the executioner's axe in the sacred name of Marx. The high-water mark of his belittling of writers who set out to accomplish something not prescribed in the Gospel According to Karl is the chapter in which the following authors are set aside as negligible: Edith Wharton, Theodore Dreiser, Sinclair Lewis, Sherwood Anderson, Willa Cather, James Branch Cabell, Joseph Hergesheimer, Edwin Arlington

Robinson, Amy Lowell, Carl Sandburg, Vachel Lindsay, Robert Frost, James Huneker, H. L. Mencken, Joel Elias Spingarn, and Van Wyck Brooks, not to mention Eugene O'Neill, Scott Fitzgerald, and Irving Babbitt. Mr. Hicks was clearly a bit staggered when he saw how much he proposed to throw out the window, so he kindly concedes that such names from the 1912-1925 period look very much like an American renaissance of letters. But these writers were all "frustrated", and so have done nothing for the emancipation of the working classes. . . .

Mr. Hicks has fulsome praise and maudlin approval, however, for those transcendent geniuses who have so signally avoided the deficiencies which mar their capitalistic predecessors. The Comrades are greeted enthusiastically in *Proletarian Literature in the United States*. Here, then, the names of those who will presumably be remembered when all those hitherto listed in this article are forgotten: Michael Gold, Grace Lumpkin, Isidor Schneider, Josephine Herbst, Jack Conroy, Albert Halper, Horace Gregory, Alfred Kreymborg, Clifford Odets, Alfred Maltz, and Robert Forsythe, to mention a few of those most in favor. In the anthology these and many others are represented by stories, poems, plays, and literary essays. They range from very, very bad, to fair and middling. The reporting selections are the best, and show that good sob-stuff is the surest basis of effective propaganda.

Yet at their best, not one of the writers in this collection, which has the *nihil obstat* of the six grand panjandrums of the Marxist literary world in New York, is superior to his predecessors in the non-proletarian field, and very few of the actual newcomers even merit comparison with the average of the "frustrated" generation. It is not necessary to have any illusions or predilections to realize this. It is an obvious matter of or-

dinary literary judgment. Perhaps the anthropologists were in too great a hurry to proclaim their victory over all other schools of modern American literature. This volume merely proves that there is no Marxist literary criticism; therefore, no literary standard. A vast amount of utterly naïve log-rolling serves instead. Otherwise, *From the Kingdom of Necessity*, for example, would not have been received by the Comrades with such loud hosannas. It is quite typical, an exceedingly long-drawn-out story of the rise and struggles of an East Side Jewish boy, not up to the level of the now much-anathematized Abraham Cahan's *The Rise of David Levinsky*, and constantly marred by platitudinous editorial passages. Miss Grace Lumpkin's *A Sign for Cain* is written with a more skilled hand and with less emphasis on the propaganda use of class-consciousness. But once again it is not easy for a reader who is not indoctrinated with Marxism to single out this perfectly average piece of fiction from the general run of the mill.

It is even more difficult for the unconverted to read *Marching! Marching!* by Clara Weatherwax, much less to conceive how any jury of literate people could single it out as a prize novel, proletarianism or no proletarianism. If I had not carefully studied the newcomers in the aforementioned anthology, I might have said that it is impossible to believe that when the *New Masses* prize was offered, no better manuscript than Miss Weatherwax's was received. But — judging from such evidence — I suppose it was hard sledding, and that this monstrosity consoled the doctrinaires with its Marxism for its total inability to tell a story, for its painful lack of literary quality. This lack is further exacerbated by the author's effort to be obscure, oblique and as Joycean as Joyce at his Joyciest. If the millions of workers who delight in *True Confessions*

and the like can appreciate this kind of thing — well and good. I presume to doubt it. Obscurity, combined with the technical jargon of lumber camps, and the usual tale of frame-ups, wage cuts, stoolpigeons, and strikes, with a drooling, sexual crétin for pathological titillation — of such is compounded the first proletarian prize-winning novel. If this is a foretaste, may our public libraries be spared the Revolution.



This Business of War

BY JOHN W. THOMASON, JR.

WAR IN THE MODERN WORLD, by Newton D. Baker. \$1. 6 x 9; 63 pp. Boston: *Houghton Mifflin*.

WAR: NO PROFIT, NO GLORY, NO NEED, by Norman Thomas. \$1.50. 5½ x 7½; 234 pp. New York: *Frederick A. Stokes*.

THE COMING WORLD WAR, by T. H. Wintringham. \$2.50. 5½ x 8; 256 pp. New York: *Thomas Seltzer*.

HERE are three studious books upon the subject which, along with Love, has engaged the greatest part of the attention of mankind throughout history. Both War and Love, as institutions, have been functioning a long time. And yet it does not appear that anyone has been able to do much about mitigating either.

Mr. Baker's *War in the Modern World* is the reprint of a lecture for the Alumni Memorial War Foundation, delivered last year at Milton Academy. It is an able, closely-reasoned, and dispassionate study of the subject, such as might be expected from a gentleman of Mr. Baker's distinguished attainments. When von Hindenburg in his *Aus Mein Leben* says "The Americans understand war", he means that Newton D. Baker understands it, for

Mr. Baker was a very great Secretary of War. His work places him beside Carnot, Napoleon's organizer of victory, and with Stanton, Lincoln's demented but excessively effective aide against the Southern Confederacy. Yet Mr. Baker, in addition to his manifest administrative gifts, possesses something that neither Carnot nor the furious Stanton had: he is a versatile and articulate gentleman, accomplished in the arts of peace as well as war. He is the master of a polished, incisive prose, and his periods read beautifully. Here he considers in the historical sense the inherent causes and objects of War as an institution; and no fault may be found with his facts. He sees the strongest hope for the prevention of war in an agreement like the Pact of Paris: that is, the abandonment of war as an instrument of national policy. He closes, after sixty-odd mellifluous pages, upon an optimistic note: The ingenuity of man, which has expanded and adorned his life along so many lines, may be depended upon to find expedients other than war for the settlement of his disputes.

The date of Mr. Baker's lecture is April, 1935. In that month, Benito Africanus had not yet disclosed his complete intention towards the King of Kings; nor had the full beauties of the Japanese design in North China been unveiled. Yet his major premise holds good. War is the weapon of decision which men take up when their milder arguments fail of achievement. In their relations, they have used it for a long time. They will continue to use it until self-interest, no less than altruism, impels them to devise a better way.

Mr. Norman Thomas is one of the leading messiahs of the Republic, deriving from the ancient line described in the Bible, who cry Peace, Peace, when there is no peace. His book, as its frantic title indicates, is on the emotional side. To prove that there

is no glory in war, he quotes from English sweet-singers of the Siegfried Sasoon school, and he takes the usual falls out of the poor professional soldiers, who do nothing about a war except fight it, after their masters, the politicians, have brought it about. He has a tear for Sir Roger Casement, and honorable mention of the Messrs. Sacco and Vanzetti, Mooney, and Billings. To show that there is no profit, he draws upon authorities as far apart as the historian of the Chou Dynasty, in ancient — very ancient — China; from the poet Virgil; and from Mr. Kirby Page's summary of the direct costs of the last war: that is, the World War. But there have been twenty-odd formal wars in the world since that November day in the rainy forest of Senlis when the Germans signed certain papers in a railroad car. He devotes considerable space to the question, *Why Men Fight*. He does not, for a minute, consider the obvious answer: which is, because they want to fight. Otherwise, they wouldn't be doing it all the time.

Most of his theses are too high for me, or I miss the connection. A simple professional soldier myself, I find only one point within my province, and that is in his list for the cure of war. He outlines this important matter in his final chapters. First, he considers, the President and the Congress should declare as national policy that the United States will not supply, nor permit its citizens to supply, arms, munitions, or financial support to belligerents or prospective belligerents. In a measure, Mr. Thomas has been anticipated by the embargo directive of the last Congress, to meet possibilities arising out of the Ethiopian emergency. How the thing will work remains to be seen. It will be interesting to observe the reactions of our stalwart and necessitous traders when this embargo is extended to cover wheat, cotton, crude oil,

scrap metal, and the other raw materials that belligerent nations wish to buy. The ethics involved are beautiful. But the practical working of such schemes, under the corrosive acids of human nature, is quite likely to be something else again.

His second point is: "The largest measure of disarmament that the public can be persuaded to accept"—looking, you conceive, towards total disarmament. Here again the United States, through its representatives duly created, has anticipated him. In the Washington Naval Treaty of 1922, and as recently as the London Treaty of 1930, this Republic affirmed its devotion to the principle of naval armament limitation. To bring ourselves within the ship categories established between the naval powers in the former covenant, we sank and scrapped a number of magnificent units, and abandoned fine war vessels then building, some of them as far as ninety per cent completed. We then sat idle, in pious contemplation of our virtues, while the other signatories to these instruments industriously built their naval establishments level with the treaty limits, so that, two years ago, we were very dangerously behind our own commitments. The present energetic building program, which Mr. Thomas views with distaste, is required to bridge the gap of those neglectful years. We have gone far enough along the road of altruistic experiment to discover that it is a lonesome road. There can be no compromise in national security.

But Mr. Thomas' idea is to build a *defensive navy*, and I single out that point as being within my limited range of experience. What is a defensive navy? Does Mr. Thomas mean a navy of small units, designed with such limited cruising radius that they will not be able to go far enough from home to get into trouble, but must wait close to our seaports until some rude

bluewater fellows come along and knock them off? The very essence of a navy lies in the ability to give battle on chosen terms, to deliver blows as well as to receive them; in a word, to be able to operate under terms favorable to its ends and unfavorable to the adversary. A navy may — and the American navy probably always will be — employed along the lines of defensive strategy. But in war, offensive tactics are the only tactics from which decision may be expected. There is no second prize in battle. A second-best navy never wins. The Germans built a magnificent navy. Their great ships were perhaps the stanchest that ever went to war. But there were not enough of them, and, most fatally for the German cause, they were employed both strategically and tactically as a defensive navy from first to last. The skill of their designers and the valor and discipline of their officers and men were alike wasted in the outcome. Either a navy adequate and competent to meet the demands imposed upon it by national policy — or no navy at all. In a word, Mr. Thomas' statements and conclusions are very widely open to argument.

The Wintringham discussion of the coming World War is both informed and sensible. It is a calm book, without exclamation points. No one knows exactly what the next Armageddon will be like. Certainly it will be more mechanized than anything within our experience, and all the staffs are doing their best to read the signs aright. There will be more gas than in the last conflict, and more tanks. The air forces will play a greater part than they did in 1918. The average of discomfort and nastiness will doubtless be very high. Mr. Wintringham has his eye fixed on the Far Eastern theater, and discusses it intelligently. But another focus may develop: the current world is an unsettled place.

I find most interesting his consideration of the relation between Labor and War. He shows how the development of the complicated devices with which modern war is waged demand a personnel correspondingly skilled to manufacture and operate them. And he adduces significant incidents in the recent conduct of such personnel. His chapters are thoughtful and sound, too good to be summarized and offered without their context. Not only every soldier, but every citizen, should read them.

Before War can be abolished, it must be controlled. Mr. Newton D. Baker's thought may serve as a guiding principle. But it is by data, rather than denunciation, and through proper deductions from data assembled, rather than in hysteria, that men will find their way to the solution of the problem.



What Is Mussolini?

BY LAWRENCE DENNIS

MUSSOLINI'S ITALY, by Herman Finer.

\$3.75. 5¼ x 8¾; 564 pp. New York: *Henry Holt*.

SAWDUST CAESAR, by George Seldes. \$3.

6 x 9; 459 pp. New York: *Harper's*.

I HAVE never been able to see eye to eye with the banker intellectuals who used to sell fascist seven per cent bonds and Mussolini, or with the communist intellectuals who sell world revolution and Marx, when, from divergent viewpoints, they proclaim that Mussolini is the instrument of conventional capitalism. My knowledge of bankers and big businessmen, which is not based entirely on distant observation, told me from the start that big businessmen would not select a personality of Musso-

lini's type to save them, no matter how badly they needed saving. Instead of being used by the bankers and industrialists of Italy, as the communists have insisted, Mussolini, it seems to me, has been using bankers and big businessmen both in and out of Italy. The myth that the *Duce* is the white hope of the propertied classes is due to two false assumptions: First, that whatever is not capitalism is not law and order. Second, that whatever constitutes law and order must be capitalism. To practical businessmen and politicians, who have neither the time nor the aptitude to apprehend the ideological content and social meaning of fascism, Mussolini's law and order achievements, until recently, meant that he was sound, and that Italian 7's were an excellent buy.

To the practical businessman, before 1929, communism connoted anarchy. He could not imagine an orderly (regimented is now the word) social regime, with armies operating more precisely than the empires of the Insulls or the Kreugers, but having among the principal objectives of all this superb order the orderly shooting of businessmen and the orderly expropriation of property. Back in 1922-25, the newsreels failed to present close-ups of the Soviet armies goose-stepping on parade, while the newspaper cartoons of that period featured a wild-eyed fellow labelled "Bolshevist", running around in aimless circles with a knife in one hand and a bomb in the other. But all this, of course, was before the rounding out of a Soviet Five-Year Plan or a Capitalist Five-Year Depression. The point now is that both communism and fascism can maintain law and order quite as well as liberalism. This they do—in the one case eliminating private rights in productive capital, and in the other, the fascist case, modifying the legal regime of private ownership and

management to such an extent that the result may no longer be called the old system of liberalism.

Today, Mussolini stands forth as one of the most dynamic and dangerous challengers of the *status quo* in the world. His rivals for first rank are Hitler and Stalin. What makes Mussolini so dangerous in this stellar role is just what our businessmen most admired in him a few years ago, and what made them think that he was a God-sent savior of capitalism for Italy, namely, his genius for order. Our capitalists and statesmen who applauded Mussolini in 1925, and who favor economic sanctions against him today, might well have engaged a student of history, philosophy, and politics, such as Professor Herman Finer of the University of London, author of *Mussolini's Italy*, to ascertain for them what fascism was all about, or to explain that it was more than a matter of running Italian trains on schedule, preserving public order, or adding zest and color to Italian politics. They might have learned that Mussolini was a lifelong socialist; that, when he was expelled from the Socialist Party in 1914 for his nationalistic support of Italy's entry into the World War on the side of the Allies, he cried out to the Socialist Congress: "One remains a Socialist even when one's membership card is taken away, for Socialism is something which grows into the roots of the heart." Professor Finer now thinks that "that cry is the dominant note of Mussolini still and that all the rest is polemical". They might have learned that the Fascist State owns about three-fourths of the bonds of the national industries; that it has developed an efficient set of mechanisms for government ownership and control which are progressively taking over business, as the day to day result of depression and war emergencies. They might have learned that

Italian fascism is a dynamic social system rather than the perpetuation of a static economic system. Professor Finer's book, therefore, is especially helpful, for, while it gives comparatively little statistical data, it makes a penetrating, even if hostile analysis of the philosophy of fascism. Professor Finer makes it the major thesis of his work, as indicated by the title, *Mussolini's Italy*, that fascism is Mussolini and must perish with him. Perhaps this contention may prove correct, but it is the sort of prophecy about the future which can never be susceptible of proof by the facts of the present. A similar prediction about Napoleon and his system might well have been made the morning after Waterloo — and Mussolini has not yet met his Waterloo — still, few students would say today that the Napoleonic system perished with Napoleon. It is too soon to make such appraisals of Mussolini, and the attempt to substantiate them detracts from the merits of any study which pretends to be impartial or scientific.

The author has striven to center all this social philosophy in the mind and will of Mussolini; but it requires more than a crisis in public order to produce a leader stating as his conditions for Italy: a single political party, a totalitarian state, and a will to live in a period of highest ideal tension. This third condition never implied, as most American admirers of Mussolini supposed, mere bluster to keep the rabble interested. Its meaning must be sought in a view of the situation of the Italian people in the light of a will-to-power philosophy. The situation, of course, is that of an under-privileged and over-populated nation confronting a world of rising tariff and immigration barriers, with all that these trends imply.

Professor Finer deplores the universal craze for a high standard of living which, in the case of under-endowed Italy, he

recognizes to be fraught with greater dangers for peace than in the cases of richer countries, such as the United States or the British Empire. But, while everything he says in criticism of Mussolini, fascism, and war will be read with wide approval in this country and the British Empire, nothing he says about lowering immigration bars will command applause. The Finers make out a splendid case for socialism, but, after more than fifty years of preaching such doctrines, they cannot control the administration of any large city, let alone a national government, while, within twenty years, the Mussolinis and Hitlers have swept into complete control of vast nations. In these facts bristle a whole series of profound questions about human nature and social control which Professor Finer's critique leaves not only unanswered but even unmentioned.

Any one seeking to understand fascism or Mussolini, however, will find little help in *Sawdust Caesar* by George Seldes. This book is merely a newspaperman's attempt to smear the *Duce* by the publication of the fruits of diligent research for unfavorable facts. Professor Finer credits Mussolini with some social ideals and achievements: Mr. Seldes simply treats Mussolini as a wicked madman. There is, of course, an obvious inconsistency in any thesis which tries to make a man out to be both a lunatic and a sinner. And the trouble with the thesis that a fascist leader is insane and that the people of his country also have gone crazy is that its proof, on paper, still leaves the nations of the world the alternatives of trying to get on pleasantly with the leader and nation so characterized, or else of declaring war on them. Proving such a thesis, then, can serve but one rational end, namely, that of promoting war. It cannot serve the ends of good relations with that nation to prove its people

wicked or mad. The purpose of stirring up a war against Mussolini's Italy, and no other, is rationally served by *Sawdust Caesar*. This fact, no doubt, explains why the author and publishers were recently informed that the British Foreign Office had withdrawn a formerly expressed objection to the publication in Great Britain of this envenomed exposé of Mussolini. It is most significant as war propaganda rather than as libel.

Another trouble with any sort of "Hang the Kaiser" preachment, besides that of provoking people to a holy war, is that, after such propaganda has started, waged, and won the holy war, it leaves a climate of feeling and opinion in which no durable peace can be made. War propaganda, such as we were fed during the late world struggle and such as Mr. Seldes is now serving up, can only mean one holy war after another, which is not a cheerful prospect, even assuming that the British and the angels win every such conflict.

Dragon-slayers like Mr. Seldes and the propagandists of the late war, simply will not mar their convincing picture of the personal devil of a Mussolini, a Hitler, or a Kaiser Wilhelm by complicated and dull analyses of underlying clashes of national interests in which these personal devils are but symbols. It never seems to occur to the dragon-slayers that the real devil may not be a person, but the feelings of an entire people toward an intolerable *status quo*. Yes, the real devil may be, quite simply, the desire of the Italian people for an international New Deal. It is this popular desire and not the peculiar qualities of Mussolini which, after all, make Italian fascism a mighty force, whether for good or for evil. The *Duce's* show of the past thirteen years, which to Mr. Seldes is an incoherent mixture of egotism, bestial cruelty, and monkey-

shines, has been a preparation of Italy to assert effectively this desire. Surely the important thing is this national desire, not the matters Mr. Seldes stresses. Call this desire an envy of the more privileged, call it a will to power, or a will to live, it is something in peoples which was not born with any one great military dictator of the past and which has never died with one. Whatever happens to Mussolini or Hitler, it is safe to predict that this will to live, to be great, and to expand, felt by the Italian and German peoples, will not perish with either of these leaders. Nor will it die with any conceivable triumph of British or League of Nations righteousness, *i.e.*, the present *status quo*.



The Brotherhood of Orpheus

BY WILLIAM ROSE BENÉT

THE ROMANTIC REBELS, by Frances Winwar. \$3.75. 6 x 9; 507 pp. Boston: *Little, Brown*.

BYRON: THE YEARS OF FAME, by Peter Quennell. \$3.50. 6½ x 9½; 320 pp. New York: *Viking Press*.

THE LETTERS OF JOHN KEATS (Second Edition with Revisions and Additional Letters). Edited by Maurice Buxton Forman. \$5. 6 x 9; 561 pp. New York: *Oxford University Press*.

THE STRANGE LIFE AND STRANGE LOVES OF EDGAR ALLAN POE, by Emile Lauvrière. English version by Edwin Gile Rich. \$3.50. 6 x 9; 422 pp. Philadelphia: *Lippincott*.

THE passage of over a century and a quarter has made and unmade great reputations in English poetry, to say nothing of the profound changes wrought in poetry's theory and practice. Between Wordsworth's time and ours lies, of course, not merely the whole Victorian

era but a long succession of literary developments since then. And yet it does not seem peculiar to me that books are still being written concerning the lives of Shelley and Keats and Byron, or that the slightly later life of Edgar Allan Poe, perhaps America's purest poetic genius, is still being assayed. Aside from their individual literary achievements, the lives of all these writers held elements of romance and drama that seem only to be heightened in continual retrospect. They exist for us today in the youth of the life of poetry, even though just behind them loom, as elder contemporaries, such figures as Coleridge and Wordsworth, and back of these — with all due respect to certain major talents of the eighteenth century — the afterglow of that great unfading age of Gloriana's, its Hesper and Phosphor, of course, being the star of Shakespeare.

The dawn of the nineteenth century was, however, a sunrise of new great names — though none approached the marvelous playwright's planetary eminence. In the long perspective through which we now look back, many values have shifted; but Keats at his best, as the pure poetic artist, remains living and glowing; Shelley at his best a crystalline lyrical voice such as we have not found again; and Byron the creator of inimitable satirical romance.

To pitch upon a year when "great spirits on this earth" began, or had already begun, their sojourning, we may single out 1809, in the spring of which this country was publicly notified that, due to the virtue and firmness residing in Jefferson and Madison, the difficulties with England were now quite settled (so settled, indeed, that they resulted in the War of 1812!), and that American mariners and the American flag would hereafter be accorded nothing but respect upon the high seas

(maugre the successful machinations of Napoleon!). Probably in the beginning of that year of extreme ingenuousness on the part of the United States, a small, charming, and unfortunate actress, then in Boston, gave birth to a son whose name happened to be Edgar Poe. At much the same time an English boy named John Keats, in school at Enfield, was immersing himself in the Greek mythology of Tooke's *Pantheon*; another youth of England, Percy Bysshe Shelley, of bluer blood, was doubtless at work upon his first romance, *Zastrozzi*, yet to be published before he entered Oxford; and that same summer the Lisbon packet bore George Gordon Noël, Lord Byron, on his first voyage to foreign lands.

Of the above poets, Poe was to live the longest, dying at forty; Byron endured to the age of thirty-six; Shelley was thirty when he was drowned; and Keats perished of consumption at twenty-six. The death of each was dramatic: Poe's a humiliation and disaster, Byron's that of a romantic warrior fighting for Greek freedom, Shelley's on the Spezzian gulf in storm, and Keats' a wasting away in Italian exile. Of the lives they lived, that of Keats, despite his hopeless passion for Fanny Brawne, may be called the calmest—but the lives of Shelley, Byron, and Poe were all involved with affairs of the heart of various complexity. Shelley at nineteen married to the hardly-more-than-child Harriet Westbrook, out of juvenile quixotism—then his strange elopement with Godwin's daughter, and the still childlike Harriet's tragic death; Byron's many affairs, his almost undoubtedly incestuous relationship with his half-sister, Augusta—his marriage to the strong-charactered and badly-treated Annabella Milbanke who so maddened him; Poe and his dying child-wife, Virginia Clemm—his search

for the Mother-Mistress in older women—all of these constitute extraordinary stories. All three men, as men, were what the world calls unbalanced; Shelley's deep and sincere humanitarianism being a nobler characteristic than any possessed by either Poe or Byron. And yet these latter, for all the ravage wrought by their dark angels, could demonstrate lofty motives. Nothing, of course, could be more opposite than Poe's tenderness to Virginia and Byron's remorse-goaded spasms of fury against Annabella. As for Shelley, he was constantly sublimating the natural desires of man into extraordinary platonic relationships.

Of the books before me, the most remarkable single achievement seems to me to be Peter Quennell's *Byron*. It should easily, but for its time-limits, replace that of Maurois. It is notable for concision and balance, presenting what seems very close to the whole man in the years of fame; discussing the man as poet less perhaps than might be desired; yet always it appeared that Byron regarded his practice of poetry as an avocation. A very slight tinge of snobbishness is the only defect I can discern in this otherwise admirable biography. The treatment of Byron just after his marriage, with the recurrence of Augusta and the martyrdom of Annabella, is masterly; and the summation of causes for the ruptured marriage precisely accurate. In Miss Winwar's *The Romantic Rebels*, this chapter of Byron's life is even more electrifying, though no more impressively presented. Miss Winwar is writing a book of the popular type—a book, frankly, of less distinction than Mr. Quennell's. But her material is so well organized and her sense of romance and drama so keen, that this is one of the most readable volumes of biography of the year. The interweaving of the three lives of Byron, Shelley,

and Keats, particularly of the two former, along with such lesser lives as that of Leigh Hunt, is done with a sure sense of pattern. Glance at Miss Winwar's bibliography, and note how many books have treated of these poets, although she does not list them all. Hence the freshness and vigor of her narrative seems to me even more worthy of remark. I would far rather read of these lives than dally with most novels. They present almost every facet of the artist's story.

The greatest stock of sheer common-sense—for all of youth's "green-sickness" upon which he made famous comment—was possessed by John Keats. This is again evident in the new edition of his letters edited by Maurice Buxton Forman, who, in his preface, gives proper credit to Harry Buxton Forman, and then to Sir Sidney Colvin, for "gathering and arranging the mass of Keats' correspondence". Evident also, in the poet's most poignant love-letters, is a brave delicacy; and his intensity does not completely forswear the humorous touch.

As for Lauvrière's life of Poe, I cannot commend a translation which too frequently seems to me most awkward. The title of the book is sensational, the French biographer diffuse. Rather turn back to Hervey Allen's *Israfel*. One cannot, of course, excuse much of Poe's conduct toward his guardian, Mr. Allan, no matter how badly the latter appears. There is no doubt at all that Poe was quite without scruple toward him. As for his love affairs, they seem to me largely pathetic. Gazing upon the forbidding countenance of Elmira S. Royster Shelton, Poe's *Lost Lenore*, one marvels indeed! In his struggle against penury and his life with Virginia and Mrs. Clemm, one cannot but take his part, however, no matter how many times he strayed from the straight and narrow path.

Stranger non-sexual union never existed. Its conditions undoubtedly contributed to the aberrations of Poe's imagination. But without the aberrations, where would the poetry be? It is not necessary to wish for a poet lives like those of Coleridge and Poe and Francis Thompson, in order to admit one's unwillingness to spare such poems as *Kubla Khan*, *The Haunted Palace*, and *The Mistress of Vision*. The bitter waters of the dark tarn rose to Poe's lips; but by some strange law of compensation he has left us moonlit verse of an inexplicable—but ineluctable—magic. And, looking upon his portrait, never was a more asymmetrical countenance more revelatory of a frantic struggle between two natures. Recently, at a party, a layman leveled at me point-blank the question, "What is a poet?" I can only say here that some of our greatest—inscrutably enough—have been such "men possessed".



Bertrand Russell's Searchlight

BY GEORGE SANTAYANA

RELIGION AND SCIENCE, by Bertrand Russell. \$2. 5 $\frac{3}{4}$ x 8 $\frac{3}{4}$; 271 pp. New York: Henry Holt.

WHY should a mind of the highest distinction, in the van of science and social reform, stop today to repeat the commonplaces of anti-clerical propaganda, and inform us again that witches and heretics were burned and that Galileo was imprisoned? Lord Russell, I need hardly say, tells the old story admirably. He is no less scathing and witty than Voltaire, with an occasional touch of his own merrier humor, or candid despair. The whole is refreshed with a wealth of instructive facts and acute criticisms, and reduced, in its converging lines,

to an impressive simplicity. Too great a simplicity, perhaps; because of the moral springs of religion, its poetic splendor or symbolic wisdom, there is not a limit. The defense of it, in its purified form, is committed to Dean Inge and the Bishop of Birmingham. Nor does science fare much better; the authority of its obvious discoveries and inventions by which mankind may judge it, recedes before certain fine-spun, half-psychological speculations in which the author is interested. He admits that the ground here is insecure. New intolerant "religions" have arisen in Russia and Germany, threatening to stamp out free thought; while industrial technique, based on the science of sixty years ago, fills governments and big business "with a sense of limitless power, of arrogant certainty, and of pleasure in the manipulation even of human material".

We are warned; and the purpose of this little book becomes apparent. Religion is safely dead: the Bishop of Birmingham and Dean Inge, like a pair of cheerful undertakers, are duly expediting the funeral. But the hydra has many heads and tyranny is reviving in another quarter. An appalling possibility begins to grow insistent and articulate. As at the dissolution of the ancient city-states an extraordinary delusion called Christianity took possession of the public mind, masking there the new chaos of migrations and wars, so perhaps the dissolution of Christendom and the advent of a mechanical age may now be masked for a time, among lay prophets, by that individualistic, liberal, humanitarian enthusiasm which Lord Russell inherits; because for all his intense intellectual originality and modernity, he is rooted morally in his grandfather's principles.

This is in many ways an advantage. He is better educated, more conversant with the ways of the great world (which he re-

gards as diabolical) than are the majority of reformers; yet I can't help feeling that there is something thin and fanatical in his doctrinal keenness, as if the world were essentially a debating society and history a rabid conflict of theories. Doubtless nobody is quite sane; but nature, against our reasonings and expectations, continually redresses the balance, killing off the worst fools; and the non-theoretical strain in us keeps us alive, with only our more harmless illusions. I think this is the case in pure philosophy, no less than in politics and morals. Speculation must build on conventional assumptions, or it would have nothing to build upon. Lord Russell's eye is mobile and accurate. It sweeps the universe like an intensely concentrated searchlight, but it sees only a small patch at a time. Out of these separate self-evident patches — for what else can the eye see? — he thinks the universe is composed. Yet we duller people, less absorbed in the absolutely obvious and logically certain, may suspect that each of those luminous patches is lighted up only by the combustion going on in the reflector, and is limited only by the width of the lens; and from our conventional point of vantage we may easily trace the natural continuity between the substance lighted up by that ray and the eagle eye of the observer. Yet all this great engine of nature, coming round full circle from the opaque object to the light-breeding organ, is non-existent for that instant of vision and for a willful skepticism. Thus a scrupulous scientific genius might successively see a prodigious number of phenomena with a prodigious degree of clearness, and might not understand anything.

I happened just now to use the word substance; but I find on page 118 of this volume that substance is a notion derived from syntax, the implication being that grammar is the only source of that notion, and that the

structure of language is not based on the structure of things. I suppose human discriminations are indeed no index to the total contents of the universe or its total form, or to the infinitesimal texture of matter. Only human reactions to gross objects on the human scale are likely to be transcribed into human grammar. Such reactions might suggest the distinction and connection between subject and predicate; because an object like an apple, known to be one by its movements under manipulation, may be indicated by several different sensations of sight, smell, and taste; indications which language then treats as attributes of the apple. But this grammatical usage is very far from being the sole occasion for the category of substance. Objects suffer transformation, and there is a notorious continuity and limitation in the quantity, quality, and force of their variations. So much grain yields so much flour, and of such a kind; this flour yields so much bread; this bread keeps alive so much muscle and blood, and so many eyes capable of looking and seeing colored patches. The matter or energy which can suffer these mutations and insure their continuity is their common substance. Substance is a name for the dynamic reality of things, as opposed to their spectacular aspects. Yet this is not all: something even more fundamental and indubitable imposes that notion upon us.

We may discard the word substance; but whatever we recognize in our philosophy to exist in itself will be the substance of our universe. If colored patches could exist without eyes to see them, or objects to emit and to reflect light, then colored patches would be substances; and if events could occur discreetly, without inheriting anything from the past or transmitting anything to the future, then each event in its isolation would be a substance;

and the problem would only be to discover some sense in which such absolute events could be called contiguous or successive.

These are commonplaces in technical criticism: but philosophers, like fish, move often in schools, and each sect is bitterly exclusive. Every wave of enlightenment extinguishes some lights. This I am sure Lord Russell would be the first to deplore, being as he is the most perceptive and most liberty-loving of men. Yet a certain partisan zeal has riveted his attention on evils to be abated, and his passion on preventing suffering, extirpating error, and abolishing privilege. I am myself convinced that the absence of evil is the fundamental good, which returns at last to every creature; but this is not the supreme good, nor a guide to good of any other kind. Brave nature in each case must first choose her direction and show her colors. Man in particular is not a grazing animal, and he would never stay long in a paradise where everybody has four meals a day and nothing else ever happens.



The Masculine Era

BY AGNES REPPLIER

NANCY SHIPPEN: HER JOURNAL BOOK, compiled and edited by Ethel Armes. \$3.50. 6½ x 9¼; 349 pp. Philadelphia: Lippincott.

SURROUNDED by lovers, I could at first see you without great danger," wrote M. Louis Guillaume Otto, afterwards Comte de Mosloy, to Miss Nancy Shippen, aged sixteen; and, reading his words, we are irresistibly reminded of Lydia Bennet, aged fifteen, "tenderly flirting with at least six officers at once". The close of the eighteenth century, whether it was closing in

England or her colonies, saw little to fill a girl's mind but costumes and lovers, followed in the course of time by marriage and domesticity. "I was formed for the world, and educated to live in it," said Nancy a few years later, when her world was shrinking and darkening, and when the three hours consumed in dressing for a "bride's visit" seemed no longer worth the while.

And what did it mean to be educated for the world in 1779? Miss Shippen at fifteen could play a little on the harpsichord, sing a little "with timidity", speak a little French, dance creditably, and embroider very well. While still at school she worked a set of ruffles for General Washington, no easy task as, in the absence of lace, the threads had to be drawn to give them a filmy look. She does not appear to have been very intelligent, but she was good-tempered and docile, and she married the wealthy man who was her father's choice rather than the agreeable young attaché to the French Legation who was her own.

Generally speaking this was a course to be commended. Fathers have longer sight and clearer vision than do girls under twenty. But in this particular case, prudence failed to justify itself. Colonel Henry Beekman Livingston had everything to recommend him save the kind of character and disposition which would have enabled a wife to live comfortably by his side. Nancy was not long suffering. After two years of profound discomfort, she took herself and her baby daughter back to her father's home in Philadelphia, thus starting the endless complications which, in that staid and conventional era, beset the defiant wife. For Colonial America was a man-made world. Unmarried women had far more liberty, according to French visitors, than was good for them; but, once married, they fell into line, content to reign

absolutely in their own domain, and to assume the responsibilities thus entailed:

To take the burden, and have the power,
And seem like the well-protected flower.

There was a great deal of chivalrous speech (it was the fashion of the time); and behind it a hard masculine sense that had nothing in common with the deep sentimentality of our day.

Nancy Shippen Livingston was to find this out to her cost. Her husband made no great effort to compel her return to him; but insisted firmly that the child should be placed under the care of his mother, Margaret Beekman Livingston, the only person in the confused narrative who commands our unfaltering respect. It is a relief to turn from unreason and emotionalism to Gilbert Stuart's masterly portrait of this unpretentiously great lady; to the firm mouth, the amused eyes, the serene repose of a woman who understood life, and conquered it. Her generous support of her daughter-in-law is the best assurance that the unhappy young woman deserved more sympathy than she got.

To seek a divorce was so unusual a proceeding in 1789 that Nancy's uncle, Mr. Arthur Lee, considered her desire for freedom as a joke; a joke in very bad taste, he admitted, but none the less absurd. That mysterious crime, mental cruelty, which has today been stretched to cover any action which an ordinarily human husband might perform in the course of twenty-four hours, was still a hundred years off. It would have provoked ribald laughter from a hard-headed eighteenth-century legislature. Henry Livingston was as safe then (he did not deserve safety) as he would be defenseless today. It is indicative of the decency of Colonial America that the word alimony was never mentioned by his supporters or by his wife's.

The rest of the *Journal Book*, which is the *raison d'être* of Miss Armes' massive volume, is filled with pictures of social and domestic life in the days which charm us by their seeming serenity, but which must often have been empty and dull. Dull certainly for young Mrs. Livingston who loved frivolity and could not get enough of it; who hated the country which grew "more disagreeable" to her every day she lived in it; who tried hard to read Blair's "excellent sermons"; and who wept copiously over the *Sorrows of Werther*. "There is luxury in some kinds of grief," she remarks with unwonted sapience. Always in the offing is the good-looking Comte de Mosloy who would gladly have espoused his early love had she been free; but who filled up his time by marrying two other women, who made him reasonably happy.

We have no doubt that life today is too crowded, too noisy, too assertive, too pretentious in matters of the intellect, too combative about material things. Standards are lowered year by year to meet the demands of mediocrity. Yet out of this welter emerges clear and plain an effort to aid the uneasy human beings who know only that things go wrong. We are all pushing harder than is seemly, but perhaps we push to some purpose. The *Sorrows of Werther* echoed "the dim-rooted pain of thinking men"—hard to heal, but comparatively easy to forget.



Briefer Mention

FICTION

JOURNEY INTO FREEDOM.

By Klaus Mann. Translated by Rita Reil. Knopf
\$2.50 5 x 8; 296 pp. New York

The Great Purge of the Nazi regime may yet provide the catharsis of great literature. Al-

though Klaus Mann's novel is not an authentic masterpiece, it has elements of nobility and emotional splendor. The author is as yet somewhat immature, he is occasionally too prodigal of irrelevant material, but if he lacks the ultimate detachment and spiritual serenity which are the stuff of world-tragedy, his book is nevertheless genuinely moving in its presentation of the immediate personal tragedy of Joan, the young, "not entirely Aryan" German girl who dedicates her life to her fellow-exiles for the Cause after an interlude of idyllic passion during a summer in Finland. The peculiar beauty of that Northern landscape—the shimmering birches, the golden moor-water, the silver-white Baltic nights—is given poetic significance. As all the world probably knows by this time, Klaus Mann is the son of Thomas Mann, but it is unnecessary to compare his work with that of his Olympian parent in saying that he has written a book of considerable power and promise.



PERISH IN THEIR PRIDE.

By Henry de Montherlant. Knopf
\$2.50 5 x 8; 275 pp. New York

Far from perishing, the poor and degenerate but still proud characters of M. de Montherlant's novel leap into three-dimensional life through the medium of Thomas McGreevy's flexible translation, which apparently has preserved all the wit, gaiety, and Gallic malice of the distinguished Frenchman's work. De Montherlant is the *enfant terrible* of the Faubourg St. Germain, for, unlike Proust, an outsider and social opportunist, he belongs root and branch to that diminishing, obscure, and dingy group of old regime aristocrats whose inadequacy he presents with such ironic finality. Pitiful and absurd anachronisms like the "Count de Coantre," whose linen was dirty but invariably marked with a coronet, are made dynamic in their vacuity by the vigor of his art, a vitality the more notable in contrast to the anemia which has overcome so much contemporary French fiction. In this tragedy of futility, it is stimulating to find that the author has amply fulfilled the promise of such early work as *The Bullfighters*, that brilliant crystallization of his own adolescent experience as an amateur of the bull-ring. *Perish in Their Pride* received a prize from the French Academy, and also the Heine-mann literary award.

THE BALCONY.

By *Adrian Bell*. *Simon and Shuster*
\$2.50 5 x 7½; 248 pp. *New York*

In limpid prose, Adrian Bell has written one of those nostalgic stories of childhood which English men of letters so often find the congenial medium for their highest talents and most intimate self-expression. At times, the world is tempted to wonder whether the lives of adult Englishmen are so lacking in emotional and spiritual compensation for the joys of childhood that they should so frequently yearn for the particular Heaven which lies only about infancy. Let the reader, then, look at London through the iron grill of *The Balcony*, with the small boy of Mr. Bell's novel. In his search for lost times, the author has produced a fragile, though tenuous story of a child's emotional consciousness as it unfolds from babyhood to school days.

EXTRAVAGANZAS.

By *Ronald Firbank*. *Coward-McCann*
\$2 5 x 8; 204 pp. *New York*

There is little in Ronald Firbank's posthumous volume to support his admirers' conviction of a great loss to literature. The two stories included are *The Artificial Princess* and *Concerning the Eccentricities of Cardinal Pirelli*. Mr. Firbank's last work is precisely dated by his mah-jongg playing courtiers. Stylistic arabesques serve to veil triviality, but cannot mitigate the essential dullness of stories in which the weary shades of Oscar Wilde and Aubrey Beardsley have been invoked once too often — as well as too late.

POETRY

THEORY OF FLIGHT.

By *Muriel Rukeyser*. *Yale University Press*
\$2 6½ x 9½; 86 pp. *New Haven*

Muriel Rukeyser's *Theory of Flight* is a strange and startling first volume. But it is more than merely startling; it has solid authority, an authority amazing in a girl of twenty-one. The strangeness comes from the almost total absence of derivations; except for an occasional echo of Auden, the author is already clear of those influences from which the young

poet attempts to free himself, usually in vain. Apart from the originality of tone, Miss Rukeyser has something vital to say. Her poetry is revolutionary in the best sense: it does not repeat the shibboleths of either poetry or politics; its thoughts and its symbols are definitely modern, but neither are used arbitrarily for modernistic effects. It is the very absence of straining to be effective which makes her work impressive. The title poem, with the airplane as its logical symbol of freedom, the moving three-part "The Lynchings of Jesus", and the apparently autobiographical "The Blood Is Justified" are, perhaps, the most arresting poems in this book, but the others are scarcely less notable. It is ironic to observe with what hot haste the critics have lately rushed to acclaim the emergence of three English poets and how few hats have been thrown in the air for a young American, whose first venture has not only more promise but more power than the combined first books of Spender, Auden, and Day Lewis.



AMY LOWELL.

By *S. Foster Damon*. *Houghton Mifflin*
\$5 6 x 9; 773 pp. *Boston*

Although Mr. Damon did not use all his material — could not, in fact, for he was dealing with one of the most voluminous figures of the period — this will probably be the definitive biography of Amy Lowell. It contains all the facts of her life, a complete record of her controversies and publications, which were staged with the thoroughness of a military campaign, and some of the more significant correspondence from and to her. One wishes that the book were a little less comprehensive and a little more critical; the volume would have been far more valuable had Mr. Damon curbed a few of his gasps of wonder, and checked, or at least reserved, the overstatements. But this, he might reply, is a chronicle and neither a critique nor an attempt at valuation. The autobiography which Amy Lowell might have written would have been far more self-revealing. Lacking that work, this is an immense labor and precious source material, whether one is more concerned with the poet or the theorist, or the personality that surpassed either.



THE CONTRIBUTORS

PAUL Y. ANDERSON (*Sad Death of a Hero*) has for many years been an able correspondent of the *St. Louis Post-Dispatch*. At present, he is in charge of the Washington bureau of that newspaper.

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EDWIN BORCHARD (*Circumstantial Evidence*) is a professor of law at Yale University, and the author of *Declaratory Judgments* and *Convicting the Innocent*, (Garden City).

ERNEST BOYD (*Report on Rugged Proletarianism*), one of the Republic's leading critics and men of letters, was born in Dublin in 1887. He has lived in New York City since 1920.

STRUTHERS BURT (*Is Patriotism Necessary?*), author, poet, and historian, was born in Baltimore in 1882. He now makes his home at Southern Pines, North Carolina. Mr. Burt's books include *The Delectable Mountains*, (Grosset) and *Festival*, (Scribner's).

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LAWRENCE DENNIS (*What Is Mussolini?*) is the author of *The Coming American Fascism*, (Harper's), published last December.

REUEL DENNEY (*A Boxer Called Panther*) was born in 1913 in New York City and was graduated from Dartmouth College in 1932. He has contributed verse to *Poetry* and other magazines.

MARGARET TYNES FAIRLEY (*This Singing Branch*) is a resident of Cambridge, Massachusetts, where she is a member of the Cambridge Poetry Forum.

FORD MADDOX FORD (*W. H. Hudson*) is the distinguished British novelist and critic. Further essays from Mr. Ford will appear from time to time in THE MERCURY.

SYDNEY GREENBIE (*The Man-God of Japan*) spent many years in the Orient as a newspaper correspondent and editor. He is the author of several books concerning Japan and the Japanese.

HARRY HIBSCHMAN (*What Is a Reasonable Legal Fee?*), a member of the Washington State bar, now lives in New York City.

WILLIAM MORRIS HOUGHTON (*An Open Letter to Mr. Jefferson*) is an editorial writer on the New York *Herald-Tribune*.

IRVING KOLODIN (*Recorded Music*) is a music critic on the staff of the New York *Sun*.

H. L. MENCKEN (*Three Years of Dr. Roosevelt*) was editor of THE MERCURY from its founding in 1924 to the close of 1933. He reappears in this issue for the first time as a contributor only. Since his retirement from the magazine, Mr. Mencken has given part of his time to travel, but most of it to a complete rewriting of *The American Language*, first published in 1919, and revised in 1921 and 1923. The new version, much larger and more comprehensive than any of its predecessors, is now on the press, and will be published shortly by Alfred A. Knopf.

TOWNSEND MILLER (*Winter Sonnet*) was born in St. Louis twenty-three years ago. In 1933 he was graduated from Yale, and at present is a candidate for the degree of doctor of philosophy at that university.



ALBERT JAY NOCK (*The New Deal and Prohibition*) is an authority on past and present problems of American government. Mr. Nock will be a regular contributor to these pages henceforth.



AGNES REPPLIER (*The Masculine Era*) is one of America's best-known essayists and biographers.



JACK ROHAN (*The First Munitions King*) has been a newspaperman and writer for thirty years. His biography of Samuel Colt, *Yankee Arms Maker*, (*Harper's*), was published last October.



EDWARD A. RICHARDS (*These Clouds*) has taught English at Amherst, Rochester, and

Columbia, and is now an associate director of education at the latter university.



GEORGE SANTAYANA (*Bertrand Russell's Searchlight*), the eminent Spanish philosopher, was born in Madrid in 1863, and taught philosophy at Harvard University from 1889 to 1911. He now makes his home in Italy. His most recent book is *The Last Puritan*, (*Scribner's*).



JAMES STEVENS (*Portland: Athens of the West*), a frequent contributor to these pages, is at present living in the rural deeps of Indiana, gathering material for a novel on art among laborers.



JOHN W. THOMASON, JR. (*This Business of War*) is a major in the United States Marine Corps, stationed at Washington, D. C. His latest book, *The Adventures of General Marbot* (*Scribner's*), was published during the winter.



HAROLD LORD VARNEY (*Are the Capitalists Asleep?*) is the well-known writer, lecturer, and political commentator.



THE MERCURY'S ESSAY CONTEST

The winner of the \$500 prize contest for the best essay on the present state of the Union written by an undergraduate of an American college or university is E. FRANCIS CAVE, a student at the University of Maryland. Honorable mention is awarded to the following entrants: John A. Boyle, *Bates*; John Caldwell, *Michigan*; Mark H. Clutter, *Wichita*; Herbert Goldhor, *Dana*; Eugene Hill, *Missouri School of Mines*; Leavitt Howard,

Harvard; Walter H. Johnson, *Colorado*; George Kirby, Jr., *Louisiana*; William L. Langer, *Upsala*; David McCutcheon, *Pittsburgh*; Maurice E. McMurray, *Iowa State*; Edith Patterson, *Florida State*; Sonya Sirotick, *Syracuse*; Owen S. Stratton, *Idaho*; Leroy Tate, *Bethel*; Bill Beach Truehart, *Houston-San Jacinto*; Wilson E. Williams, *Fisk*; and Melvin Yost, Jr., *Indiana*.



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Check List of NEW BOOKS

(Continued from page vi)

INTERNATIONAL ECONOMICS AND DIPLOMACY IN THE NEAR EAST.

By Vernon J. Puryear. *Stanford Press*
\$3.25 6 1/4 x 9 1/4; 264 pp. *Stanford*

There is very little historical literature on the development of commerce in the Near East. Although covering only a short period of time, from 1834 to 1853, this book does much to fill in the gap—largely because of the depth of treatment. Using Great Britain as a focal point, Mr. Puryear examines in turn the Anglo-Russian political rivalry of 1834-38, the Near East situation as a whole in 1838, the establishment of free trade in Turkey, 1838-39, the Turco-Egyptian War of 1839-41, and the final closure of the Straits to foreign warships. The book closes with a discussion of the British commercial policy and the Crimean War. At that time, Russia was the greatest opponent of British economic imperialism in the Near East, while Great Britain herself had entered upon a new phase of her industrial life. Russo-Turkish rivalry, furthermore, was renewed. And with the defeat of Russia, "not only was India preserved but British imperial policies were so developed as to make possible a preponderance in the markets of the Near East for the remainder of the nineteenth century". There is a foreword by Robert J. Kerner, Professor of Modern European History at the University of California; also a bibliography and an index.



CRADLE OF THE STORM.

By Bernard R. Hubbard. *Dodd, Mead*
\$3 6 x 8 3/4; 285 pp. *New York*

Barring some feeble pulpit-pawing about the immortality of the soul, this is a stirring narrative of adventure in the Far North among volcanoes, mammoth bears, and Arctic storms. With a courageous band of men and dogs, Father Hubbard, the celebrated "glacier priest", set out from Seattle upon a new expedition of discovery in Alaska. He scaled the Aghillen Pinnacles, crossed the Valley of Ten Thousand Smokes, camped in the crater of an active volcano, passed through the Ghost Forest where grotesque trees, dead for years, mark the spot which was once a verdant forest of cottonwoods, and crossed the Katmai Pass. There are numerous illustrations from photographs taken



Check List of NEW BOOKS

by the author, and a preface by Father Francis Talbot, the literary editor of *America*.



NARRATION.

By Gertrude Stein. University of Chicago Press
\$2.50 7 x 9 1/4; 61 pp. Chicago

That Gertrude Stein has something original and provocative to say to the literary public, both here and abroad, is a fact which has for many years been appreciated by the judicious. But whether that something is of sufficient importance to warrant its being said ungrammatically, repetitiously, incoherently, and banally, is a question which remains to be answered truthfully, and in Miss Stein's favor, by any but literary faddists and outright charlatans. The present volume is made up of four lectures, delivered last year at the University of Chicago, in which Miss Stein discusses the differences between prose and poetry, the dissimilar purposes of art and journalism, the relationship between author and audience, and the homogeneity of a nation's literature. Stein's writings are like puffed rice: a whole package of her inflated dicta yields a bare spoonful of substance. Thornton Wilder's introduction, characteristically enough, says nothing.



THE TEXAS RANGERS.

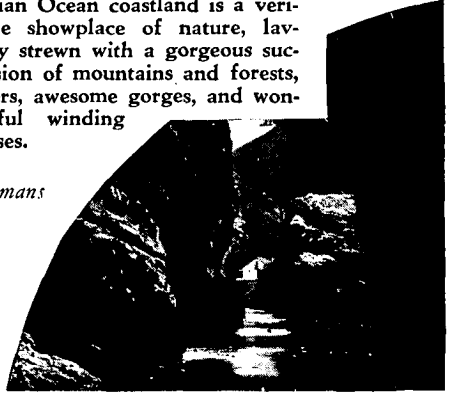
By Walter Prescott Webb. Houghton Mifflin
\$5 6 1/2 x 9 1/2; 583 pp. Boston

Here, between the covers of a forthright, honest book, is compiled the history of one of the world's most famous law-and-order organizations. Webb, the historian of the Southwest, confesses that, in his estimation, there was never such a body of hard-shooting, fast-riding gentlemen as the Rangers, and proceeds to tell a stimulating story of adventure, interwoven closely with the history of the Lone Star State. Not content with mere research among old books and mellowed archives, Webb, in collecting his material, went out on the plains to live with the Rangers, to camp and work with them, to ride and hunt with them, to hear their own stories from their own lips. The result is not only one of the most comprehensive accounts of its kind ever presented, but a fine historical work. If it falls somewhat on the chauvinistic side, it is because Webb, a Texan himself, has come under the romantic influence of the riders of the purple sage. There are photographic illustrations and an index.

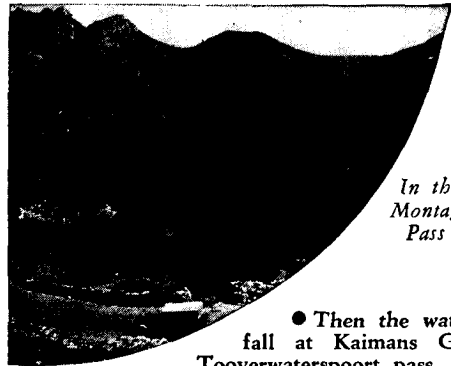
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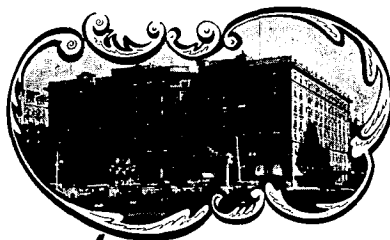
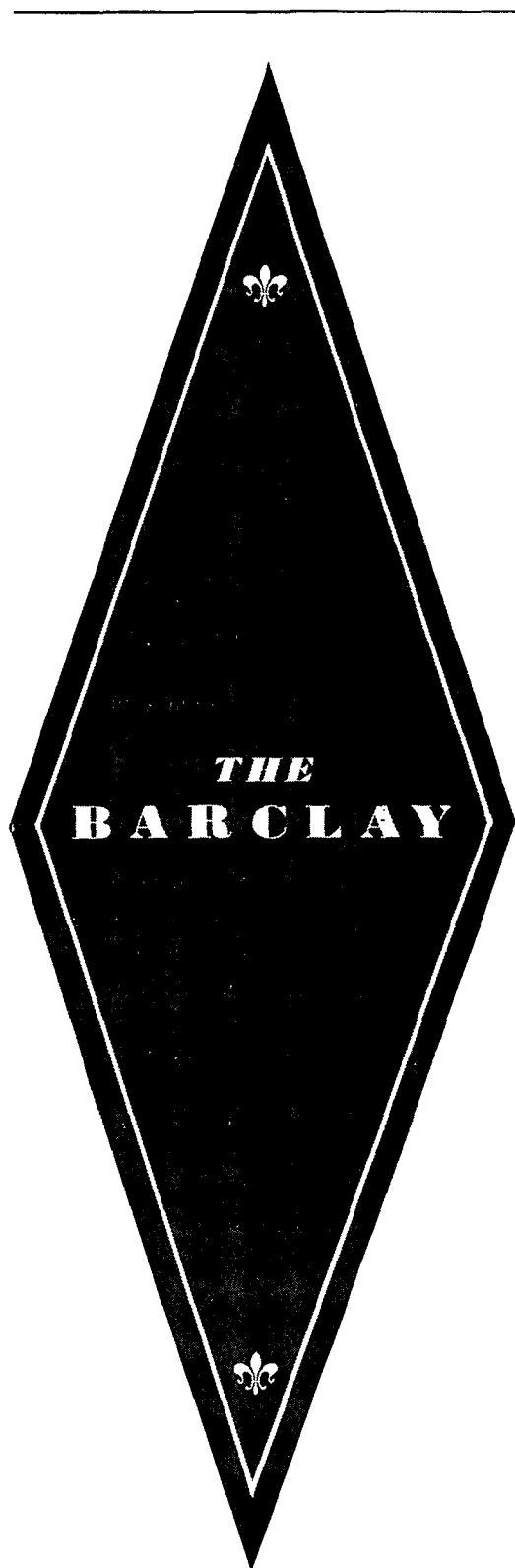
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☛ Haddon Books in the *Fifty Books of the Year*, listed in this issue: *Flat Tail* (*Oxford*); *Bibliography of Mark Twain* (*Harpers*); *Jesus as Teacher* (*Harpers*).

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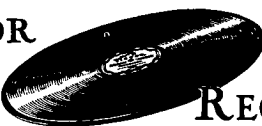


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RECORDS

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Artur Schnabel's importance in the world of the phonograph is plainly demonstrated—once again, one might add—by this month's release of the obscure *B Flat Piano Concerto* of Beethoven (RCA-Victor, four 12-inch records, \$8.). Save for the fortunate presence of such an artist as Schnabel, with the prestige and the popularity to effect the fulfillment of his desires, it is likely that this work would have remained as unknown to record collectors as it is to concert-goers. Except as part of an occasional Beethoven cycle, one can recall no performance of it in America's music-capitals during this generation, and it is scarcely heard more frequently abroad. The legend has always been that its position as the first of Beethoven's existing works in this form (though it bears the designation *No. 2*) carried with it evidences of complete juvenility—that it was not worthy of association with the composer's more mature works. To both of these contentions the present set of records offers eloquent refutation. The *Concerto* is by no means a major work, nor is it consistently indicative of Beethoven's later development, but there is considerable charming music in both the first and second movements. The finale is definitely weaker, a mere workmanlike approximation of high spirit. The quality of it all is sufficiently good to renew one's surprise at its utter neglect, especially in view of the occasional performances of the later *C Major* (which was published as *No. 1*). Schnabel's playing is of the first order, particularly in the slow movement.

Also an unfamiliar work—though for quite other reasons—for solo instrument and orchestra is the Prokofieff *Violin Concerto*, which receives authoritative treatment from Joseph Szigeti and the London Philharmonic Orchestra, conducted by Sir Thomas Beecham (Columbia, three 12-inch records, \$4.50). If there is a more difficult violin concerto in the literature, the mind does not call up its name readily. No doubt its complexities are emphasized by the slightness of the musical material, which seems scarcely worth the labor necessary to exhume it from among the scales, arpeggios, trills, etc., with which it is bedecked. The plausible lyric theme of the first movement soon vanishes from hearing, and the scherzo is melancholy musical thinking.

To the list of promising vocalists introduced to America by way of records in the last few months—Marjorie Lawrence was one, Miliza Korjus another—there should also be added Alessandro Ziliani, a tenor whose repute thus far is largely Italian. How old Ziliani is, or what his qualities may be in the theater, one cannot say from the

RECORDED MUSIC

records, but they offer the impression of a young and fresh voice of the true Italian type, generally well-used. He is represented by two discs — *Che Gelida Manina* and *O Soave Fanciulla* from *La Bohème* (Victor, one 12-inch record, \$2.), and *Donna non Vidi Mai* from *Manon Lescaut* and *Amor ti Vieta di no Amar* from *Fedora* (Victor, one 10-inch record, \$1.50) — which well match the qualities of any tenor heard in such music during the last decade. The soprano in the duet from *La Bohème* is Mafalda Favero, also of La Scala, who does her task efficiently. Though this is indicated as the first side of the record, it succeeds, in the opera, the *Racconto* on the reverse side. Franco Ghione and an orchestra from La Scala are heard in both records.

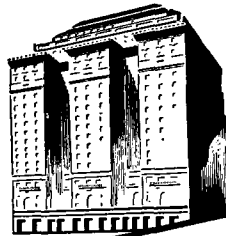
Rather a different sort of vocalism is to be heard in the set of records offered as *A Song Recital* by *Lotte Lehmann*. This is phonographese for a series of five records, devoted to as many composers — Mozart, Schubert, Schumann, Brahms, and Wolf (Victor, five 10-inch records, \$7.50). These include both the recondite Mozart's *Die Verschweigung*, Schumann's *Die Kartenlegerin*, and Brahms' *Therese*, and the familiar Schubert's *Ungeduld*, Schumann's *Waldgespräch*, and Wolf's *Anakreon's Grab*. Though Mme. Lehmann has no longer the sheer vocal strength to manage such a song as *Ungeduld* or *Waldgespräch* with the purity of tone to delight the fastidious, there is no song among these which is not stamped with her extraordinary personal qualities. Thus, both *Ungeduld* and *Waldgespräch* compensate in vitality of spirit for what they lack in suavity of outline; and the slower songs, such as *Im Abendrot*, *Anakreon's Grab*, and *In dem Schatten Meiner Locken* are superb on both counts. The recording, for which Erno Balogh plays able but not distinguished accompaniments, preserves a substantial amount of Mme. Lehmann's vibrant personality.

Berlioz-fanciers will find material to reward them in an excerpt from *Les Troyens a Carthage* (*Inutiles Regrets*) sung by Georges Thill (Columbia, one 12-inch record, \$1.50). Also, music lovers who know Berlioz principally as the composer of the *Rakoczy March* or the *Carnival Romain* overture will find much to astonish them in this eloquent and dramatic aria from the third act of the opera. When M. Thill was in America a few years ago, his powers as a lyric tenor were deteriorating; but he has apparently transformed himself into a dramatic singer with fairly successful results. It is not singing of great euphony, but it is intelligently accomplished. The orchestra and chorus are conducted by Eugene Bigot. Also away from the usual in tenor arias are *Wohin Seid Ihr Entschwunden* from Tchaikowsky's *Eugene Onegin*, and *Tageslicht Langsam Erlischt* from Borodin's *Prince Igor*, both sung by Charles Kullman (Columbia, one 12-inch record, \$1.50). Neither of these is as good as previous efforts of the same singer, but the deficiencies are not enough to offset the musical value of the material itself. An unidentified orchestra and conductor are a conspicuous asset.

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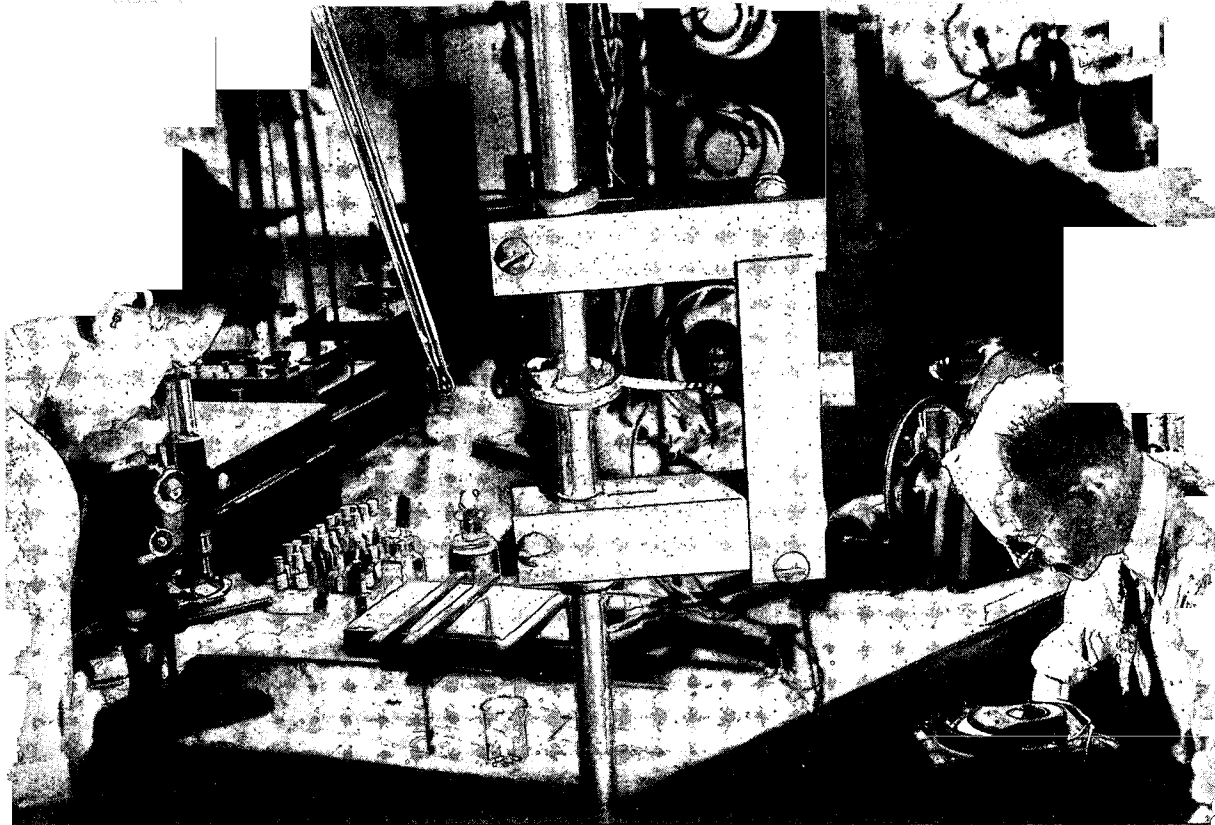
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